



DEPARTMENT OF ADMINISTRATIVE SERVICES

STATE OF CONNECTICUT

165 Capitol Avenue  
Hartford, CT 06106-1658

## Department of Administrative Services 2013 Legislative Package

Priority	Title of Proposal
1	An Act Merging the Departments of Administrative Services and Construction Services
2	An Act Improving the Disposition of Surplus Real Property
3	An Act Enabling Rapid Deployment of E-Government Services
4	An Act to Streamline the Leasing Process in the Event of a Building-Specific Emergency
5	An Act Regarding DAS Procurement
6	An Act Concerning the Sale of Former Correctional Facilities
7	An Act Eliminating Obsolete Committees and Establishing a Statewide ADA Coordinator Advisory Committee
8	An Act Concerning State Fleet Vehicles
9	An Act Clarifying the Reasons a Public Agency Can Meet in Executive Session
10	An Act Concerning Duplicative Filings of Statements of Financial Interest

### Additional Notes:

C.G.S. 4a-82. Please also know that DAS has been working cooperatively with stakeholders regarding C.G.S. §4a-82, a statute that established a 7-year pilot program to assist economically disadvantaged individuals and individuals with disabilities obtain and retain stable, well-paid jobs in certain service industries. Absent legislative action this year, this pilot program is set to expire in October 2013. As a result, DAS has been working with SEIU-32BJ and the Connecticut Community Providers Association

(CCPA) to assess the goals, achievements and challenges of the pilot program and determine the best course of action going forward. We anticipate that this group will develop legislation to either extend the pilot program or make it permanent, and to make necessary changes to the program. We will keep the Governor's Office and OPM apprised as this work progresses.

## Agency Legislative Proposal - 2013 Session

**Document Name:**

DAS 2013 Proposal #1 – Merger

**State Agency:**

Department of Administrative Services

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**Lead Agency Division Requesting this Proposal:**

Commissioner's Office

**Agency Analyst/Drafter of Proposal:**

Andrea Keilty

**Title of Proposal:**

AA Merging the Departments of Administrative Services and Construction Services

**Statutory Reference:**

Various provisions, to accomplish the merger, primarily throughout Titles 4a, 4b, 10 and 29.

**Proposal Summary:**

Sections 1-34 of this proposal reintroduce the Governor's 2012 proposal to merge the Department of Construction Services (DCS) into the Department of Administrative Services (DAS). Sections 34-47 of this proposal codify existing practice regarding the regulation of explosives, fireworks and model rocketry. Legislation in 2011 statutorily moved these functions from the then-Department of Public Safety (DPS) to the new DCS; however DESPP (previously DPS) continued to perform these functions, since the work involves police investigations and it impacts public safety. Instead of moving these functions to DAS in the merger, this proposal statutorily puts these functions back where they are being performed – at DESPP.

## PROPOSAL BACKGROUND

- **Reason for Proposal**

This proposal to fully merge DCS into DAS builds upon Governor Malloy's 2011 reorganization of State government, and his plan to consolidate the State's central administrative and support functions.

DCS was created in 2011, consolidating the State's major facilities planning, design, construction and construction-related regulatory services. DAS provides a host of administrative and support services across State government, including building-related responsibilities relating to the management of State facilities, Statewide security, and the purchase, sale, and lease of State-owned property. Based upon the significant overlap in agency functions, and DCS's already heavy reliance on DAS for staff and support, the Governor proposed a further consolidation of DCS and DAS in 2012. This proposal should move forward in 2013.

Central to both the 2011 reorganization and this further merger are the basic principles of integration of agency expertise and staff, improved collaboration and coordination, and restructuring to assimilate and streamline administrative activities. Not only do we anticipate achieving greater efficiencies in the provision of central administrative services, we also believe a merger will enable significant improvements and better coordination in the closely related areas of construction and property management.

Bringing the two agencies together will eliminate artificial administrative barriers and optimize the use of staff resources. While the organizational structure developed and put in place by DCS Deputy Commissioner Salemi addresses the need for functional integration of construction services, the lack of administrative staff to support operations has placed a heavy burden on agency leadership as it wrestles with budgetary constraints, staff integration, communication needs, IT support services, legislative relations and human resource management. Presently constituted as a separate agency, management staff is regularly interacting with DAS support staff to convey their requests and needs. In effect, this has diverted attention from their central mission and has slowed administrative decision making as each request is reviewed by DAS. By fully merging DCS with DAS, we remove the artificial agency barriers to administrative efficiency.

This merger will also integrate agency expertise and staff on building-related matters, which, among other things, will improve public safety and the State's continuity of operations planning. Merging and improving collaboration between the DAS Facilities Management and Statewide Security staffs with the DCS Design and Construction, School Facilities, and the Building and Fire Codes units will enable a coordinated effort directed towards providing public buildings and facilities that are safe, secure and accessible. In the event of a declared emergency, the consolidation would enhance the State's ability to keep government facilities operational for the continuation of critical government services. **Sections 1-35 of this proposal implement the merger of DCS and DAS.**

Also, **Sections 35-47 of this proposal codify existing practice regarding the regulation of explosives, fireworks and model rocketry.** The legislation that created DCS in 2011 (P.A. 11-51) statutorily moved these functions from DPS to the new DCS. However, DCS never took over these functions. DESPP (previously DPS) continued to perform these functions, since the work involves police investigations and it impacts public safety. As a result, DESPP and DCS entered into an MOU whereby – notwithstanding the fact that DCS has the statutory responsibility over explosives, fireworks and model rocketry – DESPP handles the regulation in those areas. This proposal statutorily puts these functions back where they are being performed – at DESPP – instead of moving them to DAS in the merger.

• **Origin of Proposal**           **New Proposal**        X   **Resubmission**

Sections 1-34 of this proposal constitute Sections 15-48 Governor's Bill #5016 from the 2012 session. It is our understanding that – after enacting several Governor proposals in 2011 to restructure State government – the Chairs of the Appropriations Committee did not favor moving forward with any additional consolidations in 2012; they wanted time to determine how the 2011 consolidations were working. As a result, Sections 15-48 of #5016 did not move out of the Appropriations Committee.

## PROPOSAL IMPACT

- **Agencies Affected** (please list for each affected agency)

**Agency Name:** DESPP

**Agency Contact (name, title, phone):** Steve Spellman & Scott Devico

**Date Contacted:** 9/11/12

Approve of Proposal    \_\_\_ YES    \_\_\_ NO    \_\_X\_ Talks Ongoing

**Summary of Affected Agency's Comments:**

DAS, DCS and DESPP plan to get together in October to discuss the regulation of explosives, fireworks, and model rocketry and to clarify details regarding and overlap of each agencies' responsibilities in these areas.

Will there need to be further negotiation? \_X\_ YES    \_\_\_ NO

- **Fiscal Impact** (please include the proposal section that causes the fiscal impact and the anticipated impact)

**Municipal:** (please include any municipal mandate that can be found within legislation)

**State:**

Indirect savings by achieving greater efficiencies in the provision of central administrative services to DCS, and improved processes and coordination in the areas of construction and property management.

**Federal:**

**Additional notes on fiscal impact:**

- **Policy and Programmatic Impacts** (Please specify the proposal section associated with the impact)

See above.

### AAC the Merger of the Departments of Administrative Services and Construction Services

Sec. 1. Section 4b-1b of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

[(a) There is established a Department of Construction Services. The department head shall be the Commissioner of Construction Services, who shall be appointed by the

Governor, in accordance with the provisions of sections 4-5 to 4-8, inclusive, with the powers and duties prescribed in sections 4-5 to 4-8, inclusive.]

[(b)] (a) The Department of Construction Services shall constitute a successor department to the Department of Public Works in accordance with the provisions of sections 4-38d, 4-38e and 4-39 with respect to those duties and functions of the Department of Public Works concerning construction and construction management pursuant to any provision of the general statutes.

[(c)] (b) The Department of Construction Services shall constitute a successor department to the Department of Public Safety with respect to the Division of Fire, Emergency and Building Services within the Department of Public Safety, except the portion of said division concerning emergency services, in accordance with the provisions of sections 4-38d, 4-38e and 4-39.

[(d)] (c) The Department of Construction Services shall constitute a successor department to the Department of Education in accordance with the provisions of sections 4-38d, 4-38e and 4-39 with respect to the issuance of school construction grants in accordance with chapter 173. [On and after July 1, 2011, any regulation of the State Board of Education adopted pursuant to chapter 173 shall continue in force and effect until the Commissioner of Education, in consultation with the Commissioner of Construction Services, determines which regulations need to be transferred to the Department of Construction Services in accordance with chapter 54 and either the Department of Construction Services or the State Board of Education amends such regulations to effect such transfer. Where any order or regulation of said departments conflict, the Commissioner of Construction Services or the Commissioner of Education may implement policies or procedures consistent with the provisions of chapter 173 while in the process of adopting such policies or procedures in regulation form, provided notice of intent to adopt such regulations is printed in the Connecticut Law Journal not later than twenty days after implementation. Any such policies or procedures shall be valid until the time final regulations are adopted.]

[(e)] Where any order or regulation of the Department of Public Works concerning construction or construction management or the Department of Public Safety, pursuant to chapter 541, conflict, the Commissioner of Construction Services may implement policies and procedures consistent with the provisions of this act while in the process of adopting the policies or procedures in regulation form, provided notice of intention to adopt regulations is printed in the Connecticut Law Journal not later than twenty days after implementation. Any such policies or procedures shall be valid until the time final regulations are effective.

(f) The commissioner may, within available appropriations, employ any other personnel that may be necessary in the performance of the department's functions.

(g) The commissioner may enter into contracts for the furnishing by any person or agency, public or private, of services necessary for the proper execution of the duties of

the department. Any such contract that has a cost of three thousand dollars or more shall be subject to the approval of the Attorney General.

(h) The commissioner may perform any other acts that may be necessary and appropriate to carry out the functions of the department as set forth in this section.]

(d) In accordance with the provisions of sections 4-38d, 4-38e and 4-39, all powers and duties transferred to the Department of Construction Services by this section are transferred to the Department of Administrative Services.

Sec. 2. Section 4a-1 of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(a) There shall be a Department of Administrative Services. The department head shall be the Commissioner of Administrative Services, who shall be appointed by the Governor in accordance with the provisions of sections 4-5, 4-6, 4-7 and 4-8, as amended by this act, with the powers and the duties therein prescribed.

(b) The Department of Administrative Services shall constitute a successor department to the Department of Public Works, except those duties relating to construction and construction management, in accordance with the provisions of sections 4-38d, 4-38e and 4-39. Where any order or regulation of said departments conflict, the Commissioner of Administrative Services may implement policies or procedures consistent with the provisions of this title and title 4b while in the process of adopting such policies or procedures in regulation form, provided notice of intent to adopt such regulations is printed in the Connecticut Law Journal not later than twenty days after implementation. Any such policies or procedures shall be valid until the time final regulations are adopted.

(c) The Department of Administrative Services shall constitute a successor department to the Department of Information Technology in accordance with the provisions of sections 4-38d, 4-38e and 4-39. Where any order or regulation of said departments conflict, the Commissioner of Administrative Services may implement policies or procedures consistent with the provisions of title 4d while in the process of adopting such policies or procedures in regulation form, provided notice of intent to adopt such regulations is printed in the Connecticut Law Journal not later than twenty days after implementation. Any such policies or procedures shall be valid until the time final regulations are adopted.

(d) The Department of Administrative Services shall constitute a successor department to the Department of Construction Services in accordance with the provisions of sections 4-38d, 4-38e, 4-39 and 4b-1b, as amended by this act. Where any order or regulation of said departments conflict, the Commissioner of Administrative Services may implement policies or procedures consistent with the provisions of title 4d while in the process of adopting such policies or procedures in regulation form, provided notice of intent to adopt such regulations is printed in the Connecticut Law Journal not later

than twenty days after implementation. Any such policies or procedures shall be valid until the time final regulations are adopted.

Sec. 3. Section 4a-2 of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(a) The Commissioner of Administrative Services shall have the following general duties and responsibilities:

- (1) The establishment of personnel policy and responsibility for the personnel administration of state employees;
- (2) The purchase and provision of supplies, materials, equipment and contractual services, as defined in section 4a-50;
- (3) The publishing, printing or purchasing of laws, stationery, forms and reports;
- (4) The collection of sums due the state for public assistance;
- (5) The purchase and contracting for information systems and telecommunication system facilities, equipment and services for state agencies, in accordance with chapter 61;
- (6) The purchase, sale, lease, sublease and acquisition of property and space to house state agencies and the construction, maintenance and development of such property in accordance with chapters 59 and 60;
- (7) Subject to the provisions of section 4b-21, the sale or exchange of any land or interest in land belonging to the state;
- (8) The maintenance of a complete and current inventory of leased property and premises, including space-utilization data;
- (9) The supervision of the care and control of building and grounds owned or leased by the state in Hartford, except (A) the buildings and grounds of the State Capitol and the Legislative Office Building and parking garage and related structures and facilities and grounds, as provided in section 2-71h, (B) any property of the Connecticut Marketing Authority, and (C) property under the supervision of the Office of the Chief Court Administrator as provided in section 4b-11; and
- (10) The establishing and maintaining of security standards for all facilities housing the offices and equipment of the state except (A) Department of Transportation mass transit, marine and aviation facilities, (B) the State Capitol and Legislative Office Building and related facilities, (C) facilities under the care and control of The University of Connecticut or other constituent units of the state system of higher education, (D) Judicial Department facilities, (E) Department of Emergency Services and Public Protection facilities, (F) Military Department facilities, (G) Department of Correction



facilities, (H) Department of Children and Families client-occupied facilities, (I) facilities occupied by the Governor, Lieutenant Governor, Attorney General, Comptroller, Secretary of the State and Treasurer, and (J) facilities occupied by the Board of Pardons and Paroles. As used in this subdivision, "security" has the same meaning as provided in section 4b-30.

(b) Notwithstanding any other provision of the general statutes, the commissioner may supervise the care and control of (1) any state-owned or leased office building, and related buildings and grounds, outside the city of Hartford, used as district offices, except any state-owned or leased office building, and such buildings and grounds, used by the Judicial Department or The University of Connecticut, and (2) any other state-owned or leased property, other than property of The University of Connecticut, on a temporary or permanent basis, if the commissioner, the Secretary of the Office of Policy and Management and the executive head of the department or agency supervising the care and control of such property agree, in writing, to such supervision.

(c) All state agencies shall provide the commissioner with any information requested by the commissioner for purposes of maintaining the inventory required by this section, and shall notify the commissioner of any new or terminated leases of state property. The commissioner shall update such inventory not less than annually, and shall provide the Secretary of the Office of Policy and Management with a copy of the inventory whenever such inventory is updated. Not later than June 30, 2012, and annually thereafter, the commissioner shall submit a copy of such inventory, in accordance with the provisions of section 11-4a, to the joint standing committees of the General Assembly having cognizance of matters relating to government administration and appropriations and the budgets of state agencies. For the purposes of this subsection, "state property" means any real property or building leased by a state agency, and "state agency" means any office, department, board, council, commission, institution, constituent unit of the state system of higher education, vocational-technical school or other agency in the executive, legislative or judicial branch of state government.

(d) Subject to the provisions of chapter 67, the Commissioner of Administrative Services may appoint such employees as are necessary for carrying out the duties prescribed to said commissioner by the general statutes.

Sec. 4. Section 4-5 of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

As used in sections 4-6, 4-7 and 4-8, the term "department head" means Secretary of the Office of Policy and Management, Commissioner of Administrative Services, Commissioner of Revenue Services, Banking Commissioner, Commissioner of Children and Families, [Commissioner of Construction Services,] Commissioner of Consumer Protection, Commissioner of Correction, Commissioner of Economic and Community Development, State Board of Education, Commissioner of Emergency Services and Public Protection, Commissioner of Energy and Environmental Protection, Commissioner of Agriculture, Commissioner of Public Health, Insurance Commissioner, Labor Commissioner, Liquor Control Commission, Commissioner of

Mental Health and Addiction Services, Commissioner of Social Services, Commissioner of Developmental Services, Commissioner of Motor Vehicles, Commissioner of Transportation, Commissioner of Veterans' Affairs, the director of the Bureau of Rehabilitative Services and the executive director of the Office of Military Affairs. As used in sections 4-6 and 4-7, "department head" also means the Commissioner of Education and the president of the Board of Regents for Higher Education.

Sec. 5. Section 4-38c of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

There shall be within the executive branch of state government the following departments: Office of Policy and Management, Department of Administrative Services, Department of Revenue Services, Department of Banking, Department of Agriculture, Department of Children and Families, Department of Consumer Protection, Department of Correction, Department of Economic and Community Development, State Board of Education, Department of Emergency Services and Public Protection, Department of Energy and Environmental Protection, Department of Public Health, Board of Regents for Higher Education, Insurance Department, Labor Department, Department of Mental Health and Addiction Services, Department of Developmental Services, Department of Social Services, Department of Transportation, Department of Motor Vehicles [ ] and Department of Veterans' Affairs. [and Department of Construction Services.]

Sec. 6. Section 4a-1a of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(a) (1) Wherever the term "Commissioner of Public Works" or "Public Works Commissioner" is used in the following sections of the general statutes, the term "Commissioner of Administrative Services" shall be substituted in lieu thereof; and (2) wherever the term "Department of Public Works" is used in the following sections of the general statutes, the term "Department of Administrative Services" shall be substituted in lieu thereof: 1-205, 1-210, 2-71h, 3-10, 3-14b, 4-87, 4b-2, 4b-4, 4b-12, 4b-13, 4b-17, 4b-21, 4b-24a, 4b-25, 4b-27, 4b-29, 4b-30, 4b-30a, 4b-33, 4b-34, 4b-35, 4b-46, 4b-65, 4b-67, 4b-68, 4b-69, 4b-71, 4b-72, 4b-73, 4b-74, 4b-130, 4b-132, 8-37y, 10a-89, 10a-150, 13a-80i, 13b-42, 13b-55, 16a-38h, 17b-655, 18-31b, 20-68, 20-311b, 20-503, 22a-324, 31-250, 32-6, 32-228, 45a-80, 46a-29, 51-27a, 51-27c, 51-27d, 51-51k and 51-279.

(b) (1) Wherever the term "Commissioner of Construction Services" is used in the following sections of the general statutes, the term "Commissioner of Administrative Services" shall be substituted in lieu thereof; and (2) wherever the term "Department of Construction Services" is used in the following sections of the general statutes, the term "Department of Administrative Services" shall be substituted in lieu thereof: 3-20, 3-21d, 4-61, 4-89, 4b-1, 4b-1a, 4b-16, 4b-22a, 4b-24b, 4b-51, 4b-51a, 4b-53, 4b-54, 4b-55, 4b-55a, 4b-56, 4b-60, 4b-63, 4b-70, 4b-91, 4b-100, 4b-100a, 4b-102, 4b-103, 4b-133, 4b-134, 5-198, 7-323p, 10-282, 10-283, 10-283b, 10-284, 10-285b, 10-285d, 10-285e, 10-285g, 10-286, 10-286d, 10-286e, 10-286g, 10-286h, 10-287, 10-287c, 10-287d, 10-287i, 10-289h, 10-290a, 10-290b, 10-290e, 10-290f, 10-291, 10-291a, 10-292q, 10a-90, 10a-91, 10-91c, 10-91d, 10a-109ff,

13b-20n, 16a-37v, 16a-38, 16a-38b, 16a-38d, 16a-38i, 16a-38j, 16a-38k, 16a-38l, 16a-39, 17a-27, 17a-27d, 17a-154, 17a-451b, 17b-739, 20-330, 21a-86f, 22-64, 22a-6, 22a-12, 22a-439a, 22a-459, 26-3, 27-45, 27-131, 29-109, 29-117, 29-127, 29-191, 29-192, 29-199, 29-200, 29-204, 29-221, 29-222, 29-224b, 29-232, 29-234, 29-235, 29-236, 29-237, 29-238, 29-239, 29-240, 29-244, 29-250, 29-251, 29-251a, 29-251b, 29-251c, 29-252, 29-252a, 29-254b, 29-256, 29-256a, 29-256b, 29-258, 29-261, 29-262, 29-262a, 29-263, 29-269a, 29-291, 29-298a, 29-313, 29-315, 29-317, 29-317, as amended by section 7 of public act 09-177, sections 1 and 6 of public act 10-54 and section 90 of public act 11-51, 29-319, 29-320, 29-320, as amended by section 8 of public act 09-177, sections 2 and 6 of public act 10-54 and section 90 of public act 11-51, 29-321, 29-322, 29-325, 29-331, 29-331, as amended by section 14 of public act 09-177, section 6 of public act 10-54 and section 90 of public act 11-51, 29-332, 29-333, 29-337, 29-337, as amended by section 15 of public act 09-177, section 6 of public act 10-54 and section 90 of public act 11-51, 29-338, 29-339, 29-344, 29-345, 29-346, 29-349, 29-355, 29-359, 29-367, 29-367, as amended by section 18 of public act 09-177, sections 4 and 6 of public act 10-54 and section 90 of public act 11-51, 29-401, 29-402, 29-403, 31-57, 32-602, 32-612, 32-613, 32-655a, 32-656 and 49-41b.

(c) Wherever the term "Department of Construction Services" is used or referred to in any public or special act of 2012, or in any section of the general statutes which is amended in 2012, "Department of Administrative Services" shall be substituted in lieu thereof.

(d) Wherever the term "Commissioner of Construction Services" is used or referred to in any public or special act of 2012, or in any section of the general statutes which is amended in 2012, "Commissioner of Administrative Services" shall be substituted in lieu thereof.

[(b)] (e) The Legislative Commissioners' Office shall, in codifying the provisions of this section, make such technical, grammatical and punctuation changes as are necessary to carry out the purposes of this section.

Sec. 7. Subsection (a) of section 4-256 of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(a) On and after October 27, 2011, and prior to January 1, 2015, the Governor shall approve not more than five projects to be implemented as public-private partnership projects. The Governor shall not approve any such project unless the Governor finds that the project will result in job creation and economic growth. Any agency seeking to establish a public-private partnership shall, after consultation with the Commissioners of Economic and Community Development, [Construction] Administrative Services and Transportation, the State Treasurer and the Secretary of the Office of Policy and Management, submit one or more projects to the Governor for approval.

Sec. 8. Subsection (a) of section 4a-57d of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(a) On or before January 1, 2012, the Commissioner of Administrative Services, in consultation with the Labor Commissioner, the president of The University of Connecticut, [and the Commissioners] the Commissioner of Construction Services and the Commissioner of Transportation, or their designees, shall submit a report, in accordance with the provisions of section 11-4a, to the Governor and the joint standing committee of the General Assembly having cognizance of matters relating to labor. Such report shall include (1) an analysis of any law or economic factor that results in a resident bidder being at a disadvantage to a nonresident bidder in submitting the lowest responsible qualified bid, (2) the reason any enacted law designed to give preference to state citizens for employment on public works projects is not being enforced, and (3) recommendations for administrative or legislative action, within the confines of clause 3 of section 8 of article 1 of the United States Constitution, to increase the number of state contracts awarded to resident bidders through an in-state contract preference or otherwise.

Sec. 9. Subsection (b) of section 4a-62 of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(b) The committee may request any agency of the state authorized to award public works contracts or to enter into purchase of goods or services contracts to submit such information on compliance with sections 4a-60 and 4a-60g and at such times as the committee may require. The committee shall consult with the Departments of Administrative Services, [Construction Services,] Transportation and Economic and Community Development and the Commission on Human Rights and Opportunities concerning compliance with the state programs for minority business enterprises. The committee shall report annually on or before February first to the Joint Standing Committee on Legislative Management on the results of its ongoing study and include its recommendations, if any, for legislation.

Sec. 10. Subsections (k) and (l) of section 4a-100 of the 2012 supplement to the general statutes are repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(k) (1) Any substantial evidence of fraud in obtaining or maintaining prequalification or any materially false statement in the application, update statement or update bid statement may, in the discretion of the awarding authority, result in termination of any contract awarded the contractor by the awarding authority. The awarding authority shall provide written notice to the commissioner of such false statement not later than thirty days after discovering such false statement. The commissioner shall provide written notice of such false statement to [the Commissioner of Construction Services,] the Commissioner of Consumer Protection and the president of The University of Connecticut not later than thirty days after discovering such false statement or receiving such notice.

(2) The commissioner shall deny or revoke the prequalification of any contractor or substantial subcontractor if the commissioner finds that the contractor or substantial subcontractor, or a principal or key personnel of such contractor or substantial

contractor, within the past five years (A) has included any materially false statement in a prequalification application, update statement or update bid statement, (B) has been convicted of, entered a plea of guilty or nolo contendere for, or admitted to, a crime related to the procurement or performance of any public or private construction contract, or (C) has otherwise engaged in fraud in obtaining or maintaining prequalification. Any revocation made pursuant to this subsection shall be made only after an opportunity for a hearing. Any contractor or substantial subcontractor whose prequalification has been revoked pursuant to this subsection shall be disqualified for a period of two years after which the contractor or substantial subcontractor may reapply for prequalification, except that a contractor or substantial subcontractor whose prequalification has been revoked on the basis of conviction of a crime or engaging in fraud shall be disqualified for a period of five years after which the contractor or substantial subcontractor may reapply for prequalification. The commissioner shall not prequalify a contractor or substantial subcontractor whose prequalification has been revoked pursuant to this subdivision until the expiration of said two-year, five-year, or other applicable disqualification period and the commissioner is satisfied that the matters that gave rise to the revocation have been eliminated or remedied.

(l) The commissioner shall provide written notice of any revocation, disqualification, reduction in classification or capacity rating or reinstated prequalification to [the Commissioner of Construction Services,] the Commissioner of Consumer Protection and the president of The University of Connecticut not later than thirty days after any final determination.

Sec. 11. Subsection (d) of section 4b-3 of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(d) Notwithstanding any other statute or special act to the contrary, the Commissioner of Administrative Services shall be the sole person authorized to represent the state in its dealings with third parties for the acquisition, construction, development or leasing of real estate for housing the offices or equipment of all agencies of the state or for the state-owned public buildings or realty, [and the Commissioner of Construction Services shall be the sole person authorized to represent the state in its dealings with third parties for the construction or development of real estate or state-owned public buildings or realty,] as provided for in sections 2-90, 4b-1 to 4b-5, inclusive, 4b-21, 4b-23, as amended by this act, 4b-24, as amended by this act, 4b-26, 4b-27, 4b-30 and 4b-32, subsection (c) of section 4b-66 and sections 4b-67 to 4b-69, inclusive, 4b-71, 4b-72, 10-95, 10a-72, as amended by this act, 10a-89, 10a-90, 10a-114, 10a-130, 10a-144, 17b-655, 22-64, 22a-324, 26-3, 27-45, 32-1c, 32-39, 48-9, 51-27d and 51-27f, except that (1) the Joint Committee on Legislative Management may represent the state in the planning and construction of the Legislative Office Building and related facilities, in Hartford; (2) the Chief Court Administrator may represent the state in providing for space for the Court Support Services Division as part of a new or existing contract for an alternative incarceration program pursuant to section 54-103b or a program developed pursuant to section 46b-121i, 46b-121j, 46b-121k or 46b-121l; (3) the board of trustees of a constituent unit of the state system of higher education may represent the state in the leasing of real estate for housing the offices or equipment of such constituent unit, provided no lease

payments for such realty are made with funds generated from the general revenues of the state; (4) the Labor Commissioner may represent the state in the leasing of premises required for employment security operations as provided in subsection (c) of section 31-250; (5) the Commissioner of Developmental Services may represent the state in the leasing of residential property as part of the program developed pursuant to subsection (b) of section 17a-218, provided such residential property does not exceed two thousand five hundred square feet, for the community placement of persons eligible to receive residential services from the department; (6) the Commissioner of Mental Health and Addiction Services may represent the state in the leasing of residential units as part of a program developed pursuant to section 17a-455a, provided each such residential unit does not exceed two thousand five hundred square feet; and (7) the Connecticut Marketing Authority may represent the state in the leasing of land or markets under the control of the Connecticut Marketing Authority, and, except for the housing of offices or equipment in connection with the initial acquisition of an existing state mass transit system or the leasing of land by the Connecticut Marketing Authority for a term of one year or more in which cases the actions of the Department of Transportation and the Connecticut Marketing Authority shall be subject to the review and approval of the State Properties Review Board. The Commissioner of Administrative Services shall have the power to establish and implement any procedures necessary for the commissioner to assume the commissioner's responsibilities as said sole bargaining agent for state realty acquisitions and shall perform the duties necessary to carry out such procedures. The Commissioner of Administrative Services [or the Commissioner of Construction Services] may appoint, within [each] the department's budget and subject to the provisions of chapter 67, such personnel deemed necessary by the [applicable] commissioner to carry out the provisions [hereof] of this section, including experts in real estate, construction operations, financing, banking, contracting, architecture and engineering. The Attorney General's office, at the request of the Commissioner of Administrative Services, shall assist the [Commissioner of Administrative Services] commissioner in contract negotiations regarding the purchase, [or] lease or construction of real estate. [, and, at the request of the Commissioner of Construction Services, shall assist said commissioner in contract negotiations regarding the construction of real estate.]

Sec. 12. Section 4b-23 of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(a) As used in this section, "facility" means buildings and real property owned or leased by the state. The Secretary of the Office of Policy and Management shall establish guidelines which further define such term. All agencies and departments of the state shall notify the Secretary of the Office of Policy and Management of their facility needs including, but not limited to, the types of such facilities and the municipalities or general location for the facilities. Each agency and department shall continue long-range planning for facility needs, establish a plan for its long-range facility needs and submit such plan and related facility project requests to the Secretary of the Office of Policy and Management, and a copy thereof to the Commissioner of Administrative Services, on or before September first of each even-numbered year. Each such request

shall be accompanied by a capital development impact statement, as required by section 4-66b, and a colocation statement, as required by section 4b-31, if the secretary so requires. Each agency and department shall base its long-term planning for facility needs on a program plan. The secretary shall establish a content guide and schedule for such plans. Each agency and department shall prepare its program plan in accordance with such guide and file it with the secretary pursuant to such schedule. Facility plans shall include, but not be limited to: Identification of (1) long-term and short-term facility needs, (2) opportunities for the substitution of state-owned space for leased space, (3) facilities proposed for demolition or abandonment which have potential for other uses, (4) space modifications or relocations that could result in cost or energy savings, and (5) facilities known to be brownfields. Each agency or department program plan and facility plan and its facility project requests shall cover a period of at least five years. The secretary shall provide agencies and departments with instructions for preparing program plans, long-term facility plans and facility project requests and shall provide appropriate programmatic planning assistance. The [Commissioners] Commissioner of Administrative Services [and Construction Services] shall assist agencies and departments with long-term facilities planning and the preparation of cost estimates for such plans and requests. The Secretary of the Office of Policy and Management shall review such plans and prepare an integrated state facility plan which meets the aggregate facility needs of the state. The secretary shall review the cost effective retrofit measures recommended to [him] the secretary by the Commissioner of [Construction] Administrative Services under subsection (b) of section 16a-38a, as amended by this act, and include in the plan those measures which would best attain the energy performance standards established under subdivision (1) of subsection (b) of section 16a-38, as amended by this act.

(b) On or before December first of each even-numbered year, the Commissioner of Administrative Services shall provide the Secretary of the Office of Policy and Management with a review of the plans and requests submitted pursuant to subsection (a) of this section for consistency with realistic cost factors, space requirements, space standards, implementation schedules, priority needs, objectives of the Commissioner of Administrative Services in carrying out his or her responsibilities under section 4b-30 and the need for the maintenance, improvement and replacement of state facilities.

(c) The Secretary of the Office of Policy and Management shall present a proposed state facility plan to the Properties Review Board on or before February fifteenth of each odd-numbered year. Such plan shall be known as the recommended state facility plan and shall include all leases and capital projects and a statement of the degree to which it promotes the colocation goals addressed in subsection (e) of section 4b-31. The secretary shall establish guidelines defining "capital projects". The Properties Review Board shall submit its recommendations to the secretary on or before March first of each odd-numbered year. The Properties Review Board recommendations shall address the goals described in subsection (e) of section 4b-31. The secretary shall present the recommended state facility plan to the General Assembly on or before March fifteenth of each odd-numbered year.

(d) Upon the approval by the General Assembly of the operating and capital budget appropriations, the Secretary of the Office of Policy and Management shall update and modify the recommended state facility plan, which shall then be known as the state facility plan. The state facility plan shall be used as an advisory document for the leasing of property for use by state agencies and departments and for related capital projects.

(e) Implementation of the state facility plan shall be the responsibility of the Commissioner of Administrative Services who shall conduct a study of each proposed facility in the plan to determine: (1) The method of choice for satisfying each such facility need, (2) the geographical areas best suited to such need, (3) the feasibility and cost of such acquisition using a life-cycle cost analysis as established by subdivision (2) of subsection (b) of section 16a-38, (4) the degree to which the plan promotes the goals addressed in subsection (e) of section 4b-31, and (5) any other relevant factors. Said commissioner shall review and approve each facility plan implementation action and shall submit to the Properties Review Board a list of each such action approved and the method and plan by which it shall be accomplished. Said commissioner shall endeavor to locate human services agencies in the same buildings as municipal and private agencies that provide human services. The results of said commissioner's study along with all supportive materials shall be immediately sent to the Properties Review Board. The board shall meet to review the decision of the commissioner and may request the commissioner or any member of his department, and the head of the requesting agency or any of his employees to appear for the purpose of supplying pertinent information. Said board shall call a meeting within two weeks of the receipt of the commissioner's decision, and may meet as often as necessary, to review said decision. The board, [within] not later than ninety days after the receipt of the decision of the Commissioner of Administrative Services, shall either accept, reject or request modification of such decision, except that when more time is required, the board may have a ninety-day extension of time, provided the board shall advise the Commissioner of Administrative Services in writing as to the reasons for such extension of time. If such decision is disapproved by the board, it shall so inform the commissioner along with its reasons therefor, and the commissioner shall inform the head of the requesting agency and the Secretary of the Office of Policy and Management that its request has been rejected. If such decision is approved by the board it shall inform the commissioner of such approval and the commissioner shall immediately communicate his or her decision to the head or acting head of such governmental unit and to the Secretary of the Office of Policy and Management and shall set forth the procedures to be taken to accomplish the results of such decision. The decision to make public such decision shall rest solely with the Commissioner of Administrative Services both as to time and manner of disclosure, but in no event shall such period exceed one year. The commissioner shall, when he or she deems it to be in the public interest, authorize the disclosure of such information; however, in the absence of such authorization, any unauthorized disclosure shall be subject to the criminal provisions of section 4b-27. All decisions made by the commissioner under the provisions of this section shall require review by the board. Except as otherwise hereinafter provided, the approval or disapproval of the Properties Review Board shall be binding on the commissioner and the requesting agency with



regard to the acquisition of any real estate by lease or otherwise, notwithstanding any other statute or special act to the contrary. A majority vote of the board shall be required to accept or reject a decision of the commissioner.

(f) Within forty-five days from the date of the board's decision regarding the request of a governmental unit, the head or acting head of such unit shall notify the Commissioner of Administrative Services (1) that it accepts [his] the commissioner's decision, (2) that it rejects [his] the commissioner's decision and withdraws its request, or (3) that it does not approve such decision and requests that all or part of such decision be modified by the commissioner. When such modification is requested, the Commissioner of Administrative Services shall, [within] not later than three weeks [from] after receipt of such request, consider and act upon such request for modification and submit his or her decision to the Properties Review Board. If the commissioner and the board fail to agree to such modification in whole or in part, the governmental unit may, within ten days from the date of notification of such final decision, accept the commissioner's final decision, reject such decision and withdraw its request, or appeal to the Governor. Upon such appeal, the Commissioner of Administrative Services shall submit a report to the Governor stating the board's conclusions and supporting material therefor and the governmental agency shall submit a report to the Governor stating its objections to such decision and its supporting material therefor. The Governor shall, [within] not later than thirty days of the receipt of such reports, make a decision [which] that shall be binding on the parties involved. In the absence of any such appeal or withdrawal of request, the decision of the commissioner and the board shall be final and binding upon the governmental unit.

(g) After final action is taken approving any request or modification thereof, condemnation procedures shall continue to be prosecuted in the same manner as they were on July 1, 1975, by the agency involved, where such procedures are applicable and authorized by statute.

(h) Approval by the Properties Review Board shall not be required prior to State Bond Commission authorization of funds (1) for planning costs and other preliminary expenses for any construction or acquisition project, or (2) for any construction or acquisition project for which an architect was selected prior to July 1, 1975.

(i) As used in this subsection, (1) "project" means any state program, except the downtown Hartford higher education center project, as defined in subsection (l) of section 4b-55, requiring consultant services if the cost of such services is estimated to exceed one hundred thousand dollars or, in the case of a constituent unit of the state system of higher education, the cost of such services is estimated to exceed three hundred thousand dollars, or in the case of a building or premises under the supervision of the Office of the Chief Court Administrator or property where the Judicial Department is the primary occupant, the cost of such services is estimated to exceed three hundred thousand dollars; (2) "consultant" means "consultant" as defined in section 4b-55; and (3) "consultant services" means "consultant services" as defined in section 4b-55. Any contracts entered into by the Commissioner of [Construction] Administrative Services with any consultants for employment (A) for any project under

the provisions of this section, (B) in connection with a list established under subsection (d) of section 4b-51, or (C) by task letter issued by the Commissioner of [Construction] Administrative Services to any consultant on such list pursuant to which the consultant will provide services valued in excess of one hundred thousand dollars, shall be subject to the approval of the Properties Review Board prior to the employment of said consultant or consultants by the commissioner. The Properties Review Board shall, within thirty days, approve or disapprove the selection of or contract with any consultant made by the Commissioner of [Construction] Administrative Services pursuant to sections 4b-1 and 4b-55 to 4b-59, inclusive. If upon the expiration of the thirty-day period a decision has not been made, the Properties Review Board shall be deemed to have approved such selection or contract.

(j) The Properties Review Board shall, within thirty days, approve or disapprove the proposed acquisition by lease of any residential property by the Commissioner of Developmental Services pursuant to subsection (d) of section 4b-3, as amended by this act. If upon the expiration of such thirty-day period a decision has not been made, the Properties Review Board shall be deemed to have approved such lease.

(k) Any agency or department of state government requiring additional facilities not included in the state facility plan may submit a request to the Secretary of the Office of Policy and Management outlining the justification for its request. The agency or department shall also provide (1) in the case of a request not previously submitted to the secretary pursuant to subsection (a) of this section, the reasons why it was not so submitted, and (2) in the case of a request so submitted, sufficient new information to warrant reconsideration. Such request shall include a statement of the degree to which the proposed state facility plan promotes the goals addressed in subsection (e) of section 4b-31, if the secretary so requires. Such request shall also be accompanied by a capital development impact statement as required under section 4-66b, if the secretary so requires. Subsections (b) to (d), inclusive, of this section shall not apply to the review of such requests. Any such request for additional facilities which are determined by the Secretary of the Office of Policy and Management to be of emergency nature or the lack of which may seriously hinder the efficient operation of the state, may be approved by the Properties Review Board and the Secretary of the Office of Policy and Management and shall be known as an approval made during the interim between state facility plans. No action may be taken by the state to lease or construct such additional facilities unless the secretary makes such a determination.

(l) The Commissioner of Administrative Services shall monitor the amount of leased space being requested and the costs of all proposed and approved facility project actions and, in the case of space or facility projects for which bond funds were authorized, shall advise the Secretary of the Office of Policy and Management and the Governor when the space to be leased or the forecast costs to complete the project exceed the square footage amount or the cost levels in the approved state facility plan by ten per cent or more. Approval of the Secretary of the Office of Policy and Management, the Properties Review Board, the State Bond Commission and the Governor shall be required to continue the project.

(m) (1) Plans to construct, renovate or modify state-owned or occupied buildings shall provide for a portion of the total planned floor area of newly constructed state buildings or buildings constructed specifically for use by the state to be served by renewable sources of energy, including solar, wind, water and biomass sources, for use in space heating and cooling, domestic hot water and other applications. For the plan due December 1, 1979, the portion to be served by renewable energy sources shall be not less than five per cent of total planned new floor area. For each succeeding state facilities plan submitted after December 1, 1979, the portion of the total planned floor area of any additional newly constructed state buildings or buildings constructed specifically for use by the state to be served by renewable energy sources shall be increased by at least five per cent per year until a goal of fifty per cent of total planned floor area of any additional newly constructed state buildings or buildings constructed specifically for use by the state is reached. For any facility served by renewable energy sources in accordance with this subsection, not less than thirty per cent of the total energy requirements of any specific energy application, including, but not limited to, space heating or cooling and providing domestic hot water, shall be provided by renewable energy sources. The installation in newly constructed state buildings or buildings constructed specifically for use by the state of systems using renewable energy sources in accordance with this subsection, shall be subject to the life-cycle cost analysis provided for in section 16a-38. (2) The state shall fulfill the obligations imposed by subdivision (1) of this section unless such action would cause an undue economic hardship to the state.

(n) The recommended state facility plan shall include policies for:

(1) The encouragement of the acquisition, transfer and utilization of space in suitable buildings of historic, architectural or cultural significance, unless use of such space would not prove feasible and prudent compared with available alternatives;

(2) The encouragement of the location of commercial, cultural, educational and recreational facilities and activities within public buildings;

(3) The provision and maintenance of space, facilities and activities to the extent practicable, which encourage public access to and stimulate public pedestrian traffic around, into and through public buildings, permitting cooperative improvements to and uses of the areas between the building and the street, so that such activities complement and supplement commercial, cultural, educational and recreational resources in the neighborhood of public buildings;

(4) The encouragement of the public use of public buildings for cultural, educational and recreational activities;

(5) The encouragement of the ownership or leasing of modern buildings to replace obsolete facilities, achieve cost and energy efficiencies, maximize delivery of services to the public, preserve existing infrastructure and provide a comfortable and space-efficient work environment; and

(6) The encouragement of the establishment of child day care facilities and child development centers including provisions for (A) full-day and year-round programs for children of working parents, (B) opportunities for parents to choose among accredited public or private programs, (C) open enrollment for children in child day care and school readiness programs, and (D) incentives for the colocation and service integration of child day care programs and school readiness programs pursuant to section 4b-31.

(o) The Commissioner of Administrative Services shall adopt regulations, in consultation with the Secretary of the Office of Policy and Management and the State Properties Review Board, and in accordance with the provisions of chapter 54, setting forth the procedures which the Department of Administrative Services and said office and board shall follow in carrying out their responsibilities concerning state leasing of offices, space or other facilities. Such regulations shall specify, for each step in the leasing process at which an approval is needed in order to proceed to the next step, what information shall be required, who shall provide the information and the criteria for granting the approval. Notwithstanding any other provision of the general statutes, such regulations shall provide that: (1) The Commissioner of Administrative Services shall (A) review all lease requests included in, and scheduled to begin during, the first year of each approved state-wide facility and capital plan, and (B) provide the Secretary of the Office of Policy and Management with an estimate of the gross cost and total square footage need for each lease, (2) the secretary shall approve a gross cost and a total square footage for each such lease and transmit each decision to the requesting agency, the commissioner and the State Properties Review Board, (3) the commissioner shall submit all leases, lease renewals and hold over agreements to the secretary for approval, and (4) the secretary shall approve or disapprove any such lease request or agreement not more than ten working days after the secretary receives the request or agreement.

Sec. 13. Subdivision (5) of section 4b-24 of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(5) After the authorization of a project under the provisions of section 4b-23, as amended by this act, the public auditors of the state and the auditors or accountants of the Commissioner of Administrative Services, [or the Commissioner of Construction Services, as applicable,] shall have the right to audit the books of any contractor employed by [either] the commissioner pursuant to such authorization, or of any party negotiating with the Commissioner of Administrative Services for the acquisition of land by lease or otherwise; provided, however, that any such audit shall be limited to the project authorized by the Commissioner of Administrative Services [or the Commissioner of Construction Services] and the Properties Review Board, and provided further that in the case of a party negotiating with the Commissioner of Administrative Services, such audit may also be conducted after the negotiations have ended, if a contract is consummated with [either] the commissioner.

Sec. 14. Section 4b-36 of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

Subject to the provisions of section 4b-30, the Commissioner of [Construction] Administrative Services may enter into contracts for the construction upon state-owned land of buildings or facilities or both, and [the Commissioner of Administrative Services may enter into contracts] for the subsequent leasing of such building or facilities to the state to meet the needs of agencies and institutions, without first leasing the underlying state-owned land to the developer. Such contracts shall contain provisions providing for the state to buy the buildings and facilities for a lump sum at stated times during or at the end of the lease term or, at the state's option, to buy the same by paying the purchase price in installments.

Sec. 15. Section 4b-52 of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(a) (1) No repairs, alterations or additions involving expense to the state of five hundred thousand dollars or less or, in the case of repairs, alterations or additions to a building rented or occupied by the Judicial Branch, one million two hundred fifty thousand dollars or less or, in the case of repairs, alterations or additions to a building rented or occupied by a constituent unit of the state system of higher education, two million dollars or less, shall be made to any state building or premises occupied by any state officer, department, institution, board, commission or council of the state government and no contract for any construction, repairs, alteration or addition shall be entered into without the prior approval of the Commissioner of [Construction] Administrative Services, except repairs, alterations or additions to a building under the supervision and control of the Joint Committee on Legislative Management and repairs, alterations or additions to a building under the supervision of The University of Connecticut. Repairs, alterations or additions which are made pursuant to such approval of the Commissioner of [Construction] Administrative Services shall conform to all guidelines and procedures established by the Department of [Construction] Administrative Services for agency-administered projects. (2) Notwithstanding the provisions of subdivision (1) of this subsection, repairs, alterations or additions involving expense to the state of five hundred thousand dollars or less may be made to any state building or premises under the supervision of the Office of the Chief Court Administrator or a constituent unit of the state system of higher education, under the terms of section 4b-11, and any contract for any such construction, repairs or alteration may be entered into by the Office of the Chief Court Administrator or a constituent unit of the state system of higher education without the approval of the Commissioner of [Construction] Administrative Services.

(b) Except as provided in this section, no repairs, alterations or additions involving an expense to the state of more than five hundred thousand dollars or, in the case of repairs, alterations or additions to a building rented or occupied by the Judicial Branch, more than one million two hundred fifty thousand dollars, or, in the case of repairs, alterations or additions to a building rented or occupied by a constituent unit of the state system of higher education, more than two million dollars, shall be made to any state building or premises occupied by any state officer, department, institution, board, commission or council of the state government, nor shall any contract for any construction, repairs, alteration or addition be entered into, until the Commissioner of

[Construction] Administrative Services or, in the case of the construction or repairs, alterations or additions to a building under the supervision and control of the Joint Committee on Legislative Management of the General Assembly, said joint committee or, in the case of construction, repairs, alterations or additions to a building involving expenditures in excess of five hundred thousand dollars but not more than one million two hundred fifty thousand dollars under the supervision and control of the Judicial Branch, said Judicial Branch or, in the case of the construction, repairs, alterations or additions to a building involving expenditures in excess of five hundred thousand dollars but not more than two million dollars under the supervision and control of one of the constituent units of higher education, the constituent unit, has invited bids thereon and awarded a contract thereon, in accordance with the provisions of sections 4b-91 to 4b-96, inclusive. The Commissioner of [Construction] Administrative Services, with the approval of the authority having the supervision of state employees or the custody of inmates of state institutions, without the necessity of bids, may employ such employees or inmates and purchase or furnish the necessary materials for the construction, erection, alteration, repair or enlargement of any such state building or premises occupied by any state officer, department, institution, board, commission or council of the state government.

(c) Whenever the Commissioner of [Construction] Administrative Services declares that an emergency condition exists at any state facility, other than a building under the supervision and control of the Joint Committee on Legislative Management, and that the condition would adversely affect public safety or the proper conduct of essential state government operations, or said joint committee declares that such an emergency exists at a building under its supervision and control, the commissioner or the joint committee may employ such assistance as may be required to restore facilities under their control and management, or the commissioner may so act upon the request of a state agency, to restore facilities under the control and management of such agency, without inviting bids as required in subsection (b) of this section. The commissioner shall take no action requiring the expenditure of more than five hundred thousand dollars to restore any facility under this subsection (1) without the written consent of the Governor, and (2) until the commissioner has certified to the joint committee of the General Assembly having cognizance of matters relating to legislative management that the project is of such an emergency nature that an exception to subsection (b) of this section is required. Such certification shall include input from all affected agencies, detail the need for the exception and include any relevant documentation. The provisions of this subsection shall not apply if any person is obligated under the terms of an existing contract with the state to render such assistance. The annual report of the commissioner shall include a detailed statement of all expenditures made under this subsection.

(d) The Commissioner of Administrative Services may, during the term of a lease of a building or premises occupied by any state offices, department, institution, board, commission or council of the state government, (1) renegotiate the lease in order to enable the lessor to make necessary alterations or additions up to a maximum amount of five hundred thousand dollars, [in consultation with the Commissioner of

Construction Services and] subject to the approval of the State Properties Review Board, or (2) require that a security audit be conducted for such building or premises and, if necessary, renegotiate the lease in order to enable the lessor to make necessary alterations or additions to bring the building or premises into compliance with the security standards for state agencies established under section 4b-132. Alterations or additions under subdivision (2) of this subsection shall not be subject to the spending limit in subdivision (1) of this subsection, and a renegotiated lease under [said] subdivision (2) of this subsection shall be subject to the approval of the State Properties Review Board, provided such approval requirement shall not compromise the security requirements of chapter 60a and this section. The commissioner shall determine the manner of submission, conditions and requirements of bids and awards made for alterations or additions under this subsection. No lease shall be renegotiated under this subsection for a term less than five years. As used in this subsection, "security" and "security audit" have the meanings assigned to such terms in section 4b-130.

Sec. 16. Section 4b-62 of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

The Commissioner of Administrative Services may accept and execute any trusts, testamentary or otherwise, created or established for the purpose of procuring, erecting and maintaining any memorial on public grounds or within public buildings of the state or any municipality therein, and the court of probate in which a will creating any such trust has been proved may appoint said commissioner as trustee to execute such trust without requiring said commissioner to furnish a probate bond as such trustee; but this section shall not be construed as empowering said commissioner to erect or maintain any such memorial upon the grounds or within or upon any public building belonging to the state without the consent of the General Assembly, nor upon any grounds nor within or upon any public building belonging to any city or town, without the consent of the common council of the city or the selectmen of the town, as the case may be. The commissioner shall not, without special authority from the General Assembly, [or without consultation with the Commissioner of Construction Services,] make, erect or remove from its location any statue or sculpture upon the property of the state.

Sec. 17. Subsection (a) of section 4b-66a of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(a) There is established a Connecticut Capitol Center Commission. The commission shall consist of (1) the Secretary of the Office of Policy and Management, or the secretary's designee; (2) the Commissioner of Administrative Services, or the commissioner's designee; (3) the Commissioner of Economic and Community Development, or the commissioner's designee; (4) the chairperson of the Culture and Tourism Advisory Committee, or the chairperson's designee; (5) [the Commissioner of Construction Services, or the commissioner's designee; (6)] one member appointed by the speaker of the House of Representatives; [(7)] (6) one member appointed by the president pro tempore of the Senate; [(8)] (7) one member appointed by the majority leader of the House of Representatives; [(9)] (8) one member appointed by the majority

leader of the Senate; [(10)] (9) one member appointed by the minority leader of the House of Representatives; [(11)] (10) one member appointed by the minority leader of the Senate; [(12)] (11) the chairperson of the Hartford Commission on the City Plan; [(13)] (12) one member appointed by the mayor of the city of Hartford; and [(14)] (13) one member from the South Downtown Neighborhood Revitalization Committee.

Sec. 18. Section 4b-76 of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

In the event that a public or special act authorizes the state acquisition of real property or the construction, improvement, repair or renovation of any facility, the Commissioner of Administrative Services, in accordance with the provisions of this title, may acquire such real property and [the Commissioner of Construction Services may] provide design and construction services for any such construction, improvement, repair or renovation of such facility.

Sec. 19. Subsection (a) of section 4b-136 of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(a) There is established a State-Wide Security Management Council. The council shall consist of the following members or their designees: The Commissioner of Emergency Services and Public Protection, the Commissioner of Administrative Services, the Commissioner of Mental Health and Addiction Services, [the Commissioner of Construction Services,] the Secretary of the Office of Policy and Management, the Chief Court Administrator, the executive director of the Joint Committee on Legislative Management, a representative of the Governor, a representative of the State Employees Bargaining Agent Coalition, the president of the Connecticut State Police Union, the president of the Connecticut Police Chiefs Association and the president of the Uniformed Professional Fire Fighters Association. The Commissioner of Administrative Services shall serve as chairperson of the council. Each council member shall provide technical assistance in the member's area of expertise, as required by the council.

Sec. 20. Subsection (a) of section 4d-90 of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(a) There is established a Geospatial Information Systems Council consisting of the following members, or their designees: (1) The Secretary of the Office of Policy and Management; (2) the Commissioners of Energy and Environmental Protection, Economic and Community Development, Transportation, Public Health, [Construction Services,] Administrative Services, Agriculture, Emergency Services and Public Protection and Social Services; (3) the president of the Board of Regents for Higher Education; (4) the president of The University of Connecticut; (5) one member who is a user of geospatial information systems appointed by the president pro tempore of the Senate representing a municipality with a population of more than sixty thousand; (6) one member who is a user of geospatial information systems appointed by the minority leader of the Senate representing a regional planning agency; (7) one member who is a user of geospatial information systems appointed by the Governor representing a



municipality with a population of less than sixty thousand but more than thirty thousand; (8) one member who is a user of geospatial information systems appointed by the speaker of the House of Representatives representing a municipality with a population of less than thirty thousand; (9) one member appointed by the minority leader of the House of Representatives who is a user of geospatial information systems; (10) the Adjutant General of the Military Department; and (11) any other persons the council deems necessary appointed by the council. The Governor shall select the chairperson from among the members. The chairperson shall administer the affairs of the council. Vacancies shall be filled by appointment by the authority making the appointment. Members shall receive no compensation for their services on said council, but shall be reimbursed for necessary expenses incurred in the performance of their duties. Said council shall hold one meeting each calendar quarter and such additional meetings as may be prescribed by council rules. In addition, special meetings may be called by the chairperson or by any three members upon delivery of forty-eight hours written notice to each member.

Sec. 21. Section 4e-8 of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

There is established a Contracting Standards Advisory Council, which shall consist of representatives from the Office of Policy and Management, [Departments] Department of Administrative Services [,] and Department of Transportation [and Construction Services] and representatives of at least three additional contracting agencies, including at least one human services related state agency, to be designated by the Governor. The Chief Procurement Officer shall be a member of the council and serve as chairperson. The advisory council shall meet at least four times per year to discuss state procurement issues and to make recommendations for improvement of the procurement processes to the State Contracting Standards Board. The advisory council may conduct studies, research and analyses and make reports and recommendations with respect to subjects or matters within the jurisdiction of the State Contracting Standards Board.

Sec. 22. Subsection (a) of section 5-142 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(a) If any member of the Division of State Police within the Department of Emergency Services and Public Protection or of any correctional institution, or any institution or facility of the Department of Mental Health and Addiction Services giving care and treatment to persons afflicted with a mental disorder or disease, or any institution for the care and treatment of persons afflicted with any mental defect, or any full-time enforcement officer of the Department of Energy and Environmental Protection, the Department of Motor Vehicles, the Department of Consumer Protection who carries out the duties and responsibilities of sections 30-2 to 30-68m, inclusive, the Office of Adult Probation, the division within the Department of [Construction] Administrative Services that carries out construction services or the Board of Pardons and Paroles, any probation officer for juveniles or any employee of any juvenile detention home, any member of the police or fire security force of The University of Connecticut, any member of the police or fire security force of Bradley International Airport, any member

of the Office of State Capitol Police or any person appointed under section 29-18 as a special policeman for the State Capitol building and grounds and the Legislative Office Building and parking garage and related structures and facilities and other areas under the supervision and control of the Joint Committee on Legislative Management, the Chief State's Attorney, the Chief Public Defender, the Deputy Chief State's Attorney, the Deputy Chief Public Defender, any state's attorney, any assistant state's attorney or deputy assistant state's attorney, any public defender, assistant public defender or deputy assistant public defender, any chief inspector or inspector appointed under section 51-286 or any staff member or employee of the Division of Criminal Justice or of the Division of Public Defender Services, or any Judicial Department employee sustains any injury (1) while making an arrest or in the actual performance of such police duties or guard duties or fire duties or inspection duties, or prosecution or public defender or courthouse duties, or while attending or restraining an inmate of any such institution or as a result of being assaulted in the performance of such person's duty, or while responding to an emergency or code at a correctional institution, and (2) that is a direct result of the special hazards inherent in such duties, the state shall pay all necessary medical and hospital expenses resulting from such injury. If total incapacity results from such injury, such person shall be removed from the active payroll the first day of incapacity, exclusive of the day of injury, and placed on an inactive payroll. Such person shall continue to receive the full salary that such person was receiving at the time of injury subject to all salary benefits of active employees, including annual increments, and all salary adjustments, including salary deductions, required in the case of active employees, for a period of two hundred sixty weeks from the date of the beginning of such incapacity. Thereafter, such person shall be removed from the payroll and shall receive compensation at the rate of fifty per cent of the salary that such person was receiving at the expiration of said two hundred sixty weeks as long as such person remains so disabled, except that any such person who is a member of the Division of State Police within the Department of Emergency Services and Public Protection shall receive compensation at the rate of sixty-five per cent of such salary as long as such person remains so disabled. Such benefits shall be payable to a member of the Division of State Police after two hundred sixty weeks of disability only if the member elects in writing to receive such benefits in lieu of any benefits payable to the employee under the state employees retirement system. In the event that such disabled member of the Division of State Police elects the compensation provided under this subsection, no benefits shall be payable under chapter 568 or the state employees retirement system until the former of the employee's death or recovery from such disability. The provisions of section 31-293 shall apply to any such payments, and the state of Connecticut is authorized to bring an action or join in an action as provided by said section for reimbursement of moneys paid and which it is obligated to pay under the terms of this subsection. All other provisions of the workers' compensation law not inconsistent with this subsection, including the specific indemnities and provisions for hearing and appeal, shall be available to any such state employee or the dependents of such a deceased employee. All payments of compensation made to a state employee under this subsection shall be charged to the appropriation provided for compensation awards to state employees. On and after October 1, 1991, any full-time officer of the Department of Energy and Environmental Protection, the Department of Motor

Vehicles, the Department of Consumer Protection who carries out the duties and responsibilities of sections 30-2 to 30-68m, inclusive, the Office of Adult Probation, the division within the Department of [Construction] Administrative Services that carries out construction services or the Board of Pardons and Paroles, any probation officer for juveniles or any employee of any juvenile detention home, the Chief State's Attorney, the Chief Public Defender, the Deputy Chief State's Attorney, the Deputy Chief Public Defender, any state's attorney, assistant state's attorney or deputy assistant state's attorney, any public defender, assistant public defender or deputy assistant public defender, any chief inspector or inspector appointed under section 51-286 or any staff member or employee of the Division of Criminal Justice or the Division of Public Defender Services, or any Judicial Department employee who sustains any injury in the course and scope of such person's employment shall be paid compensation in accordance with the provisions of section 5-143 and chapter 568, except, if such injury is sustained as a result of being assaulted in the performance of such person's duty, any such person shall be compensated pursuant to the provisions of this subsection.

Sec. 23. Section 10-264h of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(a) For the fiscal year ending June 30, 1996, until the fiscal year ending June 30, 2003, a local or regional board of education, regional educational service center or a cooperative arrangement pursuant to section 10-158a for purposes of an interdistrict magnet school may be eligible for reimbursement up to the full reasonable cost of any capital expenditure for the purchase, construction, extension, replacement, leasing or major alteration of interdistrict magnet school facilities, including any expenditure for the purchase of equipment, in accordance with this section. For the fiscal year ending June 30, 2004, until the fiscal year ending June 30, 2011, the following entities that operate an interdistrict magnet school that assists the state in meeting the goals of the 2008 stipulation and order for Milo Sheff, et al. v. William A. O'Neill, et al., as determined by the Commissioner of Education may be eligible for reimbursement up to ninety-five per cent of such cost: (1) The Board of Trustees of the Community-Technical Colleges on behalf of a regional community-technical college, (2) the Board of Trustees of the Connecticut State University System on behalf of a state university, (3) the Board of Trustees for The University of Connecticut on behalf of the university, (4) the board of governors for an independent college or university, as defined in section 10a-37, or the equivalent of such a board, on behalf of the independent college or university, and (5) any other third-party not-for-profit corporation approved by the Commissioner of Education. For the fiscal year ending June 30, 2012, and each fiscal year thereafter, a project eligible for reimbursement under this section, except as otherwise provided for, may be eligible for reimbursement up to eighty per cent of the eligible cost of such project. To be eligible for reimbursement under this section a magnet school construction project shall meet the requirements for a school building project established in chapter 173, except that the Commissioner of [Construction] Administrative Services, in consultation with the Commissioner of Education, may waive any requirement in such chapter for good cause. On and after July 1, 2011, the Commissioner of [Construction] Administrative Services shall approve only

applications for reimbursement under this section that the Commissioner of Education finds will reduce racial, ethnic and economic isolation. Applications for reimbursement under this section for the construction of new interdistrict magnet schools shall not be accepted until the Commissioner of Education develops a comprehensive state-wide interdistrict magnet school plan, in accordance with the provisions of subdivision (1) of subsection (b) of section 10-264l, unless the Commissioner of Education determines that such construction will assist the state in meeting the goals of the 2008 stipulation and order for Milo Sheff, et al. v. William A. O'Neill, et al.

(b) Subject to the provisions of subsection (a) of this section, the applicant shall receive current payments of scheduled estimated eligible project costs for the facility, provided (1) the applicant files an application for a school building project, in accordance with section 10-283, by the date prescribed by the Commissioner of Education, (2) final plans and specifications for the project are approved pursuant to sections 10-291 and 10-292, as amended by this act, and (3) such district submits to the Commissioner of Education, in such form as the commissioner prescribes, and the commissioner approves a plan for the operation of the facility which includes, but need not be limited to: A description of the educational programs to be offered, the completion date for the project, an estimated budget for the operation of the facility, written commitments for participation from the districts that will participate in the school and an analysis of the effect of the program on the reduction of racial, ethnic and economic isolation. The Commissioner of Education shall notify the Commissioner of [Construction] Administrative Services and the secretary of the State Bond Commission when the provisions of subdivisions (1) and (3) of this subsection have been met. Upon application to the Commissioner of Education, compliance with the provisions of subdivisions (1) and (3) of this subsection and after authorization by the General Assembly pursuant to section 10-283, the applicant shall be eligible to receive progress payments in accordance with the provisions of section 10-287i.

(c) (1) If the school building ceases to be used as an interdistrict magnet school facility and the grant was provided for the purchase or construction of the facility, the Commissioner of [Construction] Administrative Services, in consultation with the Commissioner of Education, shall determine whether (A) title to the building and any legal interest in appurtenant land shall revert to the state, or (B) the school district shall reimburse the state an amount equal to the difference between the amount received pursuant to this section and the amount the district would have been eligible to receive based on the percentage determined pursuant to section 10-285a, multiplied by the estimated eligible project costs.

(2) If the school building ceases to be used as an interdistrict magnet school facility and the grant was provided for the extension or major alteration of the facility, the school district shall reimburse the state the amount determined in accordance with subparagraph (B) of subdivision (1) of this subsection. A school district receiving a request for reimbursement pursuant to this subdivision shall reimburse the state not later than the close of the fiscal year following the year in which the request is made. If the school district fails to so reimburse the state, the Department of [Construction] Administrative Services may request the Department of Education to withhold such

amount from the total sum which is paid from the State Treasury to such school district or the town in which it is located or, in the case of a regional school district, the towns which comprise the school district. If the amount paid from the State Treasury is less than the amount due, the [Department of Construction Services may refer the matter to the] Department of Administrative Services [for collection] shall collect such funds from the school district.

(d) The Commissioner of [Construction] Administrative Services shall provide for a final audit of all project expenditures pursuant to this section and may require repayment of any ineligible expenditures, except that the Commissioner of [Construction] Administrative Services may waive any audit deficiencies found during a final audit of all project expenditures pursuant to this section if the Commissioner of Construction Services determines that granting such waiver is in the best interest of the state.

Sec. 24. Section 10-292 of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(a) Upon receipt by the Commissioner of [Construction] Administrative Services of the final plans for any phase of a school building project as provided in section 10-291, said commissioner shall promptly review such plans and check them to the extent appropriate for the phase of development or construction for which final plans have been submitted to determine whether they conform with the requirements of the Fire Safety Code, the Department of Public Health, the life-cycle cost analysis approved by the Commissioner of [Construction] Administrative Services, the State Building Code and the state and federal standards for design and construction of public buildings to meet the needs of disabled persons, and if acceptable a final written approval of such phase shall be sent to the town or regional board of education and the school building committee. No phase of a school building project, subject to the provisions of subsection (c) or (d) of this section, shall go out for bidding purposes prior to such written approval.

(b) Notwithstanding the provisions of subsection (a) of this section, a town or regional school district may submit final plans and specifications for oil tank replacement, roof replacement, asbestos abatement, code violation, energy conservation, network wiring projects or projects for which state assistance is not sought, to the local officials having jurisdiction over such matters for review and written approval. The total costs for an asbestos abatement, code violation, energy conservation, or network wiring project eligible for review and approval under this subsection shall not exceed one million dollars. Except for projects for which state assistance is not sought and projects for which the town or regional school district is using a state contract pursuant to subsection (d) of this section, no school building project described in this subsection shall go out for bidding purposes prior to the receipt and acceptance by the Department of [Construction] Administrative Services of such written approval.

(c) On and after October 1, 1991, if the Commissioner of [Construction] Administrative Services does not complete his or her review pursuant to subsection (a) of this section,

[within] not later than thirty days from the date of receipt of final plans for a school building project, a town or regional school district may submit such final plans to local officials having jurisdiction over such matters for review and written approval. In such case, the school district shall notify the commissioner of such action and no such school building project shall go out for bidding purposes prior to the receipt by the commissioner of such written approval, except for projects for which the town or regional school district is using a state contract pursuant to subsection (d) of this section. Local building officials and fire marshals may engage the services of a code consultant for purposes of the review pursuant to this subsection, provided the cost of such consultant shall be paid by the school district.

(d) If the Department of Administrative Services [or the Department of Construction Services] makes a state contract available for use by towns or regional school districts, a town or regional school district may use such contract, provided the actual estimate for the school building project under the state contract is not given until receipt by the town or regional school district of approval of the plan pursuant to this section.

Sec. 25. Subsection (a) of section 10a-72 of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(a) Subject to state-wide policy and guidelines established by the Board of Regents for Higher Education, said board of trustees shall administer the regional community-technical colleges and plan for the expansion and development of the institutions within its jurisdiction. The Commissioner of Administrative Services on request of the board of trustees shall, in accordance with section 4b-30, negotiate and execute leases on such physical facilities as the board of trustees may deem necessary for proper operation of such institutions, and said board of trustees may expend capital funds therefor, if such leasing is required during the planning and construction phases of institutions within its jurisdiction for which such capital funds were authorized. The board of trustees may appoint and remove the chief executive officer of each institution within its jurisdiction. The board of trustees may employ the faculty and other personnel needed to operate and maintain the institutions within its jurisdiction. Within the limitation of appropriations, the board of trustees shall fix the compensation of such personnel, establish terms and conditions of employment and prescribe their duties and qualifications. Said board of trustees shall determine who constitutes its professional staff and establish compensation and classification schedules for its professional staff. Said board shall annually submit to the Commissioner of Administrative Services a list of the positions which it has included within the professional staff. The board shall establish a division of technical and technological education. The board of trustees shall confer such certificates and degrees as are appropriate to the curricula of community-technical colleges. The board of trustees shall prepare plans for the development of a regional community-technical college and submit the same to the [Commissioners] Commissioner of Administrative Services [and Construction Services] and request said [commissioners] commissioner to select the site for such college. Within the limits of the bonding authority therefor, the Commissioner of Administrative Services, subject to the provisions of section 4b-23, as amended by this act, may acquire such site and [the

Commissioner of Construction Services may] construct such buildings as are consistent with the plan of development.

Sec. 26. Subsection (h) of section 16-50j of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(h) Prior to commencing any hearing pursuant to section 16-50m, the council shall consult with and solicit written comments from (1) the Department of Energy and Environmental Protection, the Department of Public Health, the Council on Environmental Quality, the Department of Agriculture, the Public Utilities Regulatory Authority, the Office of Policy and Management, the Department of Economic and Community Development and the Department of Transportation, and (2) in a hearing pursuant to section 16-50m, for a facility described in subdivision (3) of subsection (a) of section 16-50i, the Department of Emergency Services and Public Protection, [the Department of Public Safety,] the Department of Consumer Protection, the Department of [Public Works] Administrative Services and the Labor Department. In addition, the Department of Energy and Environmental Protection shall have the continuing responsibility to investigate and report to the council on all applications which prior to October 1, 1973, were within the jurisdiction of the Department of Environmental Protection with respect to the granting of a permit. Copies of such comments shall be made available to all parties prior to the commencement of the hearing. Subsequent to the commencement of the hearing, said departments and council may file additional written comments with the council within such period of time as the council designates. All such written comments shall be made part of the record provided by section 16-50o. Said departments and council shall not enter any contract or agreement with any party to the proceedings or hearings described in this section or section 16-50p, that requires said departments or council to withhold or retract comments, refrain from participating in or withdraw from said proceedings or hearings.

Sec. 27. Section 16-50jj of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

At least once during the period of construction of an electric generating facility in this state, the Connecticut Siting Council, the Departments of [Construction] Administrative Services, Emergency Services and Public Protection [,] and Consumer Protection, [and Public Works,] and the Labor Department shall conduct a meeting to discuss and develop proposed resolutions for any known or potential safety issue at such facility. The council and said departments shall submit any such proposed resolutions to the special inspector provided for such facility, as required pursuant to section 16-50ii.

Sec. 28. Subsection (b) of section 22a-354i of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(b) In adopting such regulations, the commissioner shall consider the guidelines for aquifer protection areas recommended in the report prepared pursuant to special act 87-63, as amended, and shall avoid duplication and inconsistency with other state or federal laws and regulations affecting aquifers. The regulations shall be developed in

consultation with an advisory committee appointed by the commissioner. The advisory committee shall include the Commissioners of [Construction] Administrative Services and Public Health, or their designees, members of the public, and representatives of businesses affected by the regulations, agriculture, environmental groups, municipal officers and water companies.

Sec. 29. Section 29-201 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

As used in this chapter, unless the context clearly indicates otherwise:

[(a)] (1) "Passenger tramway" means a device used to transport passengers in cars on tracks or suspended in the air, or uphill on skis, by the use of steel cables, chains or belts or by ropes, and usually supported by trestles or towers with one or more spans, but shall not include any such device not available for public use and not subject to a fee for use of same. The term "passenger tramway" [shall include] includes the following: [(1)] (A) Two-car aerial passenger tramways, which are devices used to transport passengers in two open or enclosed cars attached to, and suspended from, a moving wire rope, or attached to a moving wire rope and supported on a standing wire rope, or similar devices; [(2)] (B) multicar aerial passenger tramways, which are devices used to transport passengers in several open or enclosed cars attached to, and suspended from, a moving wire rope, or attached to a moving wire rope and supported on a standing wire rope, or similar devices; [(3)] (C) skimobiles, which are devices in which a passenger car running on steel or wooden tracks is attached to and pulled by a steel cable, or similar devices; [(4)] (D) chair lifts, which are devices which carry passengers on chairs suspended in the air and attached to a moving cable, chain or link belt supported by trestles or towers with one or more spans, or similar devices; [(5)] (E) J bars, T bars, platter pulls and similar types of devices, which are means of transportation that pull skiers riding on skis by means of an attachment to a main overhead cable supported by trestles or towers with one or more spans; [(6)] and (F) rope tows, which are devices that pull the skiers riding on skis as the skier grasps the rope manually, or similar devices.

[(b)] (2) "Operator" means a person who owns or controls the operation of a passenger tramway or ski area. An operator of a passenger tramway shall be deemed not to be operating a common carrier.

[(c)] (3) "Department" means the Department of [Construction] Administrative Services.

[(d)] (4) "Commissioner" means the Commissioner of [Construction] Administrative Services.

[(e)] (5) "Skier" [shall include] includes the following: [(1)] (A) A person utilizing the ski area under control of the operator for the purpose of skiing, whether or not he or she is utilizing a passenger tramway; and [(2)] (B) a person utilizing the passenger tramway whether or not [that] such person is a skier, including riders on a passenger tramway operating during the nonskiing season.



Sec. 30. Section 29-312 of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

The Commissioner of [Construction] Administrative Services may appoint a Deputy State Fire Marshal who shall be subject to the supervision and direction of the Commissioner of [Construction] Administrative Services and be vested with all the powers conferred upon [said commissioner] the State Fire Marshal by section 29-310.

Sec. 31. Section 29-315a of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

On or before July 1, 2005, each chronic and convalescent nursing home or rest home with nursing supervision licensed pursuant to chapter 368v shall submit a plan for employee fire safety training and education to the Departments of Public Health and [Construction] Administrative Services and the Labor Department. Such plan shall, at a minimum, comply with standards adopted by the federal Occupational Safety and Health Administration, including, but not limited to, standards listed in 29 CFR 1910.38, 1910.39 and 1910.157, as adopted pursuant to chapter 571, or 29 USC Section 651 et seq., as appropriate. The commissioners shall review each such plan and may make recommendations they deem necessary. Once approved or revised, such plan shall not be required to be resubmitted until further revised or there is a change of ownership of the nursing or rest home.

Sec. 32. Section 29-233 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

The Department of Administrative Services [may call upon the Commissioner of Construction Services to assist in formulating] shall formulate the examination requirements and the examination questions for candidates for the positions of boiler inspectors within the Department of [Construction] Administrative Services. The [Commissioner of Construction Services] commissioner shall issue a commission as boiler inspector to any person employed as boiler inspector who has been in the Department of [Construction] Administrative Services after being appointed in accordance with the provisions of chapter 67 or certified as competent as a result of such examination.

Sec. 33. Subsection (c) of section 31-57c of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(c) The Commissioner of [Construction] Administrative Services may disqualify any contractor, for up to two years, from bidding on, applying for, or participating as a subcontractor under, contracts with the state, acting through any of its departments, commissions or other agencies, except [the Department of Administrative Services,] the Department of Transportation and the constituent units of the state system of higher education, for one or more causes set forth under subsection (d) of this section. The commissioner may initiate a disqualification proceeding only after consulting with the contract awarding agency, if any, and the Attorney General and shall provide notice

and an opportunity for a hearing to the contractor who is the subject of the proceeding. The hearing shall be conducted in accordance with the contested case procedures set forth in chapter 54. The commissioner shall issue a written decision within ninety days of the last date of such hearing and state in the decision the reasons for the action taken and, if the contractor is being disqualified, the period of such disqualification. The existence of a cause for disqualification shall not be the sole factor to be considered in determining whether the contractor shall be disqualified. In determining whether to disqualify a contractor, the commissioner shall consider the seriousness of the contractor's acts or omissions and any mitigating factors. The commissioner shall send the decision to the contractor by certified mail, return receipt requested. The written decision shall be a final decision for the purposes of sections 4-180 and 4-183.

Sec. 34. Section 31-390 of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(a) The Labor Commissioner, [and the Commissioners] the Commissioner of Economic and Community Development and [Construction] the Commissioner of Administrative Services shall have the right of inspection of any such project at any time.

(b) The Labor Commissioner, [and the Commissioners] the Commissioner of Economic and Community Development, [and Construction] the Commissioner of Administrative Services and the Secretary of the Office of Policy and Management are authorized to make orders, establish guidelines and adopt regulations under the provisions of chapter 54 with respect to the implementation of this chapter.

(c) At the request of the commissioners, any agency or department of the executive branch shall advise and assist the commissioners in the implementation of this chapter.

Sec. 35. Section 29-344 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

Any person engaged in keeping or storing any explosives shall, before engaging in the keeping or storing of such explosives, make a report to the Commissioner of [Construction Services] Emergency Services and Public Protection stating: The location of the magazine, if existing, or, in case of a new magazine, the proposed location of such magazine; the kind of explosives that are kept or stored or intended to be kept or stored and the maximum quantity that is intended to be kept or stored therein; and the distance such magazine is located or intended to be located from the nearest building or highway.

Sec. 36. Section 29-345 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

Each person selling or giving away any explosive shall first ascertain that the purchaser or donee of such explosives has obtained a license and permit required by section 29-349 and shall keep a record in which shall be entered an accurate account of each disposition by such person in the course of business, or otherwise, of any explosive.

Such record shall show, in legible writing to be entered therein at the time of disposition of the explosive, a history of such transaction, showing the name and quantity of the explosive, the name and place of residence and business of the purchaser or donee, and the name and address of the individual to whom delivered. Such record shall be kept by such person in his principal office or place of business in this state and shall be subject to examination by any military authority, the Commissioner of [Construction Services] Emergency Services and Public Protection, his deputies and the police officers of the municipality where situated. Any such authority may at any time require any such dealer to produce such record for the year previous. Nothing in this section shall apply to any transaction when such explosive is to be shipped by common carrier to a point outside this state and for use outside this state.

Sec. 37. Section 29 -346 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

Any person not referred to in sections 29-344 and 29-345, having in his possession any explosive, shall report the amount and kind thereof to the Commissioner of [Construction Services] Emergency Services and Public Protection within ten days after purchase of the same and the purpose for which such explosive is to be used.

Sec. 38. Section 29-349 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(a) The Commissioner of [Construction Services] Emergency Services and Public Protection shall have exclusive jurisdiction in the preparation of and may enforce reasonable regulations for the safe and convenient storage, transportation and use of explosives and blasting agents used in connection therewith, which regulations shall deal in particular with the quantity and character of explosives and blasting agents to be stored, transported and used, the proximity of such storage to inhabited dwellings or other occupied buildings, public highways and railroad tracks, the character and construction of suitable magazines for such storage, protective measures to secure such stored explosives and blasting agents and the abatement of any hazard that may arise incident to the storage, transportation or use of such explosives and blasting agents.

(b) No person, firm or corporation shall engage in any activity concerning the storage, transportation or use of explosives unless such person, firm or corporation has obtained a license therefor from the Commissioner of [Construction Services] Emergency Services and Public Protection. Such license shall be issued upon payment of a fee of two hundred dollars and upon submission by the applicant of evidence of good moral character and of competence in the control and handling of explosives, provided, if such license is for the use of explosives, it may be issued only to an individual person after demonstration that such individual is technically qualified to detonate explosives. Any such license to use explosives shall bear both the fingerprints of the licensee obtained by the Commissioner of [Construction Services] Emergency Services and Public Protection at the time of licensing, and the licensee's photograph, furnished by the licensee, of a size specified by the commissioner and taken not more than one year prior to the

issuance of the license. Each such license shall be valid for one year from the date of its issuance, unless sooner revoked or suspended, and may be renewed annually thereafter upon a payment of one hundred fifty dollars.

(c) The Commissioner of [Construction Services] Emergency Services and Public Protection shall require any applicant for a license under this section to submit to state and national criminal history records checks. The criminal history records checks required pursuant to this subsection shall be conducted in accordance with section 29-17a.

(d) No person shall manufacture, keep, store, sell or deal in any explosives unless such person has a valid license under the provisions of subsection (b) of this section and obtains from the Commissioner of [Construction Services] Emergency Services and Public Protection or from the fire marshal of the town where such business is conducted a written permit therefor, which permit shall not be valid for more than one year and for which such person shall pay a fee of one hundred dollars. If the permit is issued by the Commissioner of [Construction Services] Emergency Services and Public Protection, the commissioner shall forward a copy thereof to the local fire marshal. Such permit so granted shall definitely state the location of the building where such business is to be carried on or such explosive deposited and shall state that such building or premises complies with the regulations provided for in this section.

(e) No person shall procure, transport or use any explosives unless such person has a valid license under subsection (b) of this section and has obtained a written permit therefor signed by the Commissioner of [Construction Services] Emergency Services and Public Protection or by the fire marshal of the town where such explosive is to be used, specifying the name of the purchaser, the amount to be purchased and transported and the purpose for which it is to be used. Any such permit to use explosives shall state the number of years the permittee has been engaged in blasting activity. Such permit shall be valid for such period, not longer than one year, as is required to accomplish the purpose for which it was obtained. No carrier shall transport any such explosive until the vehicle transporting the explosive has been inspected and approved by the Department of [Construction Services] Emergency Services and Public Protection and unless such written permit accompanies the same and no person shall have in such person's possession any such explosive unless such person has a license and permit therefor. The fee for such inspection shall be one hundred dollars. The fee for such permit shall be sixty dollars. Each person who has in such person's custody or possession any explosive or any detonating caps for explosives shall keep the same either under personal observation or securely locked up.

(f) Any license or permit issued under the provisions of this section may be suspended or revoked by the issuing authority for violation by the licensee or permittee of any provision of law or regulation relating to explosives or conviction of such licensee or permittee of any felony or misdemeanor. Suspension or revocation of a license shall automatically suspend or revoke the permit and the suspension or revocation of a permit shall automatically suspend or revoke the license.

(g) Any person who, by himself or herself or by such person's employee or agent or as the employee or agent of another, violates any provision of this section, or any regulation made by the Commissioner of [Construction Services] Emergency Services and Public Protection pursuant to the provisions of this section, shall be fined not more than ten thousand dollars or imprisoned not more than ten years, or both.

(h) As used in this section, "blasting agent" means any material, composition or mixture intended for blasting, consisting substantially of a fuel and oxidizer, none of the ingredients of which is an explosive, as defined in section 29-343, and the finished product of which as mixed and packaged for use or shipment cannot be detonated by the test procedure established by regulations adopted by the Commissioner of [Construction Services] Emergency Services and Public Protection in accordance with chapter 54.

(i) Notwithstanding the provisions of this section, the Labor Commissioner shall regulate the storage, transportation and use of explosives and blasting agents in places of employment insofar as such activities relate to employee health and safety, provided such regulations shall be no less stringent than those prepared and enforced by the Commissioner of [Construction Services] Emergency Services and Public Protection pursuant to this section.

(j) The [State Fire Marshal] Commissioner of Emergency Services and Public Protection may grant variations or exemptions from, or approve equivalent or alternate compliance with, particular provisions of any regulation adopted under this section where strict compliance with such provisions would entail practical difficulty or unnecessary hardship or is otherwise adjudged unwarranted, provided any such variation, exemption, equivalent or alternate compliance shall, in the opinion of the [State Fire Marshal] Commissioner of Emergency Services and Public Protection, secure the public safety.

Sec. 39. Section 29-355 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

If any person considers himself aggrieved by the doings of the Commissioner of [Construction Services] Emergency Services and Public Protection or the fire marshal under section 29-349 or 29-354, he may apply, within thirty days, to the Superior Court, which may grant appropriate relief; but nothing contained herein shall be construed to prevent the transportation of gunpowder, or its deposit for transportation during a period of not over forty-eight hours.

Sec. 40. Section 29-357 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(a) Except as provided in subsection (b) of this section, no person, firm or corporation shall offer for sale, expose for sale, sell at retail or use or explode or possess with intent

to sell, use or explode any fireworks. A person who is sixteen years of age or older may offer for sale, expose for sale, sell at retail, purchase, use or possess with intent to sell or use sparklers or fountains of not more than one hundred grams of pyrotechnic mixture per item, which are nonexplosive and nonaerial, provided (1) such sparklers and fountains do not contain magnesium, except for magnalium or magnesium-aluminum alloy, (2) such sparklers and fountains containing any chlorate or perchlorate salts do not exceed five grams of composition per item, and (3) when more than one fountain is mounted on a common base, the total pyrotechnic composition does not exceed two hundred grams.

(b) The [State Fire Marshal] Commissioner of Emergency Services and Public Protection shall adopt reasonable regulations, in accordance with chapter 54, for the granting of permits for supervised displays of fireworks or for the indoor use of pyrotechnics, sparklers and fountains for special effects by municipalities, fair associations, amusement parks, other organizations or groups of individuals or artisans in pursuit of their trade. Such permit may be issued upon application to said [State Fire Marshal] Commissioner of Emergency Services and Public Protection and after (1) inspection of the site of such display or use by the local fire marshal to determine compliance with the requirements of such regulations, (2) approval of the chiefs of the police and fire departments, or, if there is no police or fire department, of the first selectman, of the municipality wherein the display is to be held as is provided in this section, and (3) the filing of a bond by the applicant as provided in section 29-358. No such display shall be handled or fired by any person until such person has been granted a certificate of competency by the [State Fire Marshal] Commissioner of Emergency Services and Public Protection, in respect to which a fee of two hundred dollars shall be payable to the State Treasurer when issued and which may be renewed every three years upon payment of a fee of one hundred ninety dollars to the State Treasurer, provided such certificate may be suspended or revoked by said marshal at any time for cause. Such certificate of competency shall attest to the fact that such operator is competent to fire a display. Such display shall be of such a character and so located, discharged or fired as in the opinion of the chiefs of the police and fire departments or such selectman, after proper inspection, will not be hazardous to property or endanger any person or persons. In an aerial bomb, no salute, report or maroon may be used that is composed of a formula of chlorate of potash, sulphur, black needle antimony and dark aluminum. Formulas that may be used in a salute, report or maroon are as follows: (A) Perchlorate of potash, black needle antimony and dark aluminum, and (B) perchlorate of potash, dark aluminum and sulphur. No high explosive such as dynamite, fulminate of mercury or other stimulator for detonating shall be used in any aerial bomb or other pyrotechnics. Application for permits shall be made in writing at least fifteen days prior to the date of display, on such notice as the [State Fire Marshal] Commissioner of Emergency Services and Public Protection by regulation prescribes, on forms furnished by him, and a fee of one hundred dollars shall be payable to the State Treasurer with each such application. After such permit has been granted, sales, possession, use and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferable. Any permit issued under the provisions of this section may be suspended or revoked by the [State Fire Marshal] Commissioner

of Emergency Services and Public Protection or the local fire marshal for violation by the permittee of any provision of the general statutes, any regulation or any ordinance relating to fireworks.

(c) The [State Fire Marshal] Commissioner of Emergency Services and Public Protection may grant variations or exemptions from, or approve equivalent or alternate compliance with, particular provisions of any regulation issued under the provisions of subsection (b) of this section where strict compliance with such provisions would entail practical difficulty or unnecessary hardship or is otherwise adjudged unwarranted, provided any such variation, exemption, approved equivalent or alternate compliance shall, in the opinion of the [State Fire Marshal] Commissioner of Emergency Services and Public Protection, secure the public safety and shall be made in writing.

(d) Any person, firm or corporation violating the provisions of this section shall be fined not more than one hundred dollars or imprisoned not more than ninety days or be both fined and imprisoned, except that (1) any person, firm or corporation violating the provisions of subsection (a) of this section by offering for sale, exposing for sale or selling at retail or possessing with intent to sell any fireworks with a value exceeding ten thousand dollars shall be guilty of a class A misdemeanor, and (2) any person, firm or corporation violating any provision of subsection (b) of this section or any regulation adopted thereunder shall be guilty of a class A misdemeanor, except if death or injury results from any such violation, such person, firm or corporation shall be fined not more than ten thousand dollars or imprisoned not more than ten years, or both.

Sec. 41. Section 29-359 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(a) Before any person, firm or corporation or any agent or employee thereof may conduct a fireworks display or use pyrotechnics for indoor special effects, such person, firm or corporation shall furnish proof of financial responsibility to satisfy claims for damages on account of any physical injury or property damage which may be suffered by any person by reason of any act or omission on the part of such person, firm or corporation, any agent or employee thereof, any independent contractor firing the display or using such pyrotechnics, any fair or exposition association, any sponsoring organization or committee, any owner or lessee of any premises used by the named insured and any public authority granting a permit to the named insured, in the form of a liability insurance policy evidenced by a certificate of insurance filed with the Insurance Commissioner at least fifteen days prior to the date of display or use and acceptable to the commissioner. Such policy shall cover public liability arising out of the operation of the fireworks display or from the use of pyrotechnics for special effects in the minimum amount of one million dollars per accident for bodily injury and property damage, and shall not limit coverage within the applicable statutory period of covered liability. The insurer issuing such policy shall agree in writing to deliver to the Insurance Commissioner not less than ten days' written notice of any cancellation of such insurance which is to become effective prior to the termination of the display or use.

(b) The Commissioner of [Construction Services] Emergency Services and Public Protection shall adopt regulations in accordance with the provisions of chapter 54 defining the term "pyrotechnics" for purposes of subsection (a) of this section.

Sec. 42. Section 29-361 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

Nothing in sections 29-356 to 29-366, inclusive, shall be construed to prohibit the sale by any resident manufacturer, wholesaler, dealer or jobber, at wholesale, of such fireworks as are not herein prohibited, or the sale of any kind of fireworks, provided the same are to be shipped directly out of state, in accordance with United States Department of Transportation regulations covering the transportation of explosives and other dangerous articles by motor, rail and water; or the possession, sale or use of signals necessary for the safe operation of railroads or other classes of public or private transportation, or of illuminating devices for photographic use, or of illuminating torches for parades or ceremonial events, nor shall the provisions of said sections apply to the military or naval forces of the United States or the armed forces of the state, or to peace officers in the performance of their official duties, nor prohibit the sale or use of blank cartridges for ceremonial, theatrical or athletic events or for training dogs, or the use of fireworks solely for agricultural purposes under conditions approved by the local fire marshal or [State Fire Marshal] Commissioner of Emergency Services and Public Protection.

Sec. 43. Section 29-362 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

The [State Fire Marshal] Commissioner of Emergency Services and Public Protection or a local fire marshal shall seize, take, store, remove or cause to be removed, at the expense of the owner, all stocks of fireworks or combustibles offered or exposed for sale, stored, held or kept in violation of sections 29-356 to 29-366, inclusive. When any fireworks have been seized, the superior court having jurisdiction, shall expeditiously cause to be left at the place where such fireworks were seized, if such place is a dwelling house, store, shop or other building, and also to be left with or at the usual place of abode of the person named therein as the owner or keeper of such fireworks, a summons notifying him or her and all others whom it may concern to appear before such court, at a place and time named in such notice, which time shall be not less than six nor more than twelve days after the posting and service thereof, then and there to show cause, if any, why such fireworks should not be adjudged a nuisance. Such summons shall describe such articles with reasonable certainty, and state when and where the same were seized. If any person named in such summons or any person claiming any interest in the same appears, he or she shall be made a party defendant in such case. The informing officer or the complainants may appear and prosecute such complaint and, if the court finds the allegations of such complaint to be true and that such fireworks or any of them have been kept in violation of any provision of sections 29-356 to 29-366, inclusive, judgment shall be rendered that such articles are a nuisance,



and execution shall issue that the same be destroyed together with the crates, boxes or vessels containing the same. The court shall not require storage of the fireworks pending final disposition of the case and shall order the fireworks to be destroyed upon their being inventoried, photographed and described in a sworn affidavit. Such inventory, photograph, description and sworn affidavit shall be sufficient evidence for the purposes of identification of the seized items at any subsequent court proceeding.

Sec. 44. Section 29-364 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

No person, firm or corporation may engage in the business of manufacturer, wholesaler, dealer or jobber of fireworks, under the provisions of section 29-361, until such manufacturer, wholesaler, dealer or jobber has received a license therefor for each location where the business is to be conducted. All licenses shall be issued upon receipt of the application therefor upon license forms provided by the [State Fire Marshal] Commissioner of Emergency Services and Public Protection, which forms shall include such information as said marshal requires. The [State Fire Marshal] Commissioner of Emergency Services and Public Protection shall prescribe the number of copies of each license form to be executed and the distribution of such copies. No license shall be issued until the location has been inspected by the licensing authority and unless reasonable precautions have been taken to eliminate hazards to life and property. All licenses issued under the provisions of this section shall be used only by the person, firm or corporation to whom they are issued and shall not be transferable. The [State Fire Marshal] Commissioner of Emergency Services and Public Protection may refuse to issue such a license if [the State Fire Marshal] said commissioner determines that the applicant has previously been convicted of a felony or misdemeanor as a result of a violation of any provision of state or federal law relating to the use, transport, sale, manufacture, storage or possession of explosives, fireworks, explosive devices, illegal drugs or controlled substances. Any license issued under the provisions of this section may be suspended or revoked by the licensing authority, after notice and opportunity for hearing, for any violation by the licensee of any provision of the general statutes or any regulation or ordinance relating to fireworks or conviction of such licensee of any felony or misdemeanor as a result of a violation of any provision of state or federal law relating to the use, transport, sale, manufacture, storage, or possession of explosives, fireworks, explosive devices, illegal drugs or controlled substances.

Sec. 45. Section 29-365 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

The fee to be paid to the licensing authority upon each application shall be as follows: For a fireworks manufacturing license, two hundred dollars; for a dealer, wholesaler and jobber, two hundred dollars. Fees collected by the [State Fire Marshal] Commissioner of Emergency Services and Public Protection shall be paid to the State Treasurer.

Sec. 46. Section 29-367 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(a) The Commissioner of [Construction Services] Emergency Services and Public Protection shall make and enforce, and may amend, reasonable regulations concerning the safe design, construction, manufacture, testing, certification, storage, sale, shipping, operation and launching of rockets propelled by rocket motors, including, but not limited to, solid, liquid and cold propellant, hybrid, steam or pressurized liquid rocket motors. In adopting such regulations, said commissioner may be guided by recognized national standards for the prevention of injury to life and damage to property and protection of hazards incident to the design, construction, manufacture, testing, storage, sale, shipping, operation and launching of such rockets.

(b) Such regulations shall not apply to (1) the design, construction, production, fabrication, manufacture, maintenance, launching, flight, test, operation, use of, or any activity in connection with a rocket or rocket motor when carried on by or engaged in by the government of the United States or any state government, any college, university or other institution of higher learning, any individual, firm, partnership, joint venture, corporation, or other business entity engaged in research, development, production, test, maintenance, or supply of rockets, rocket motors, rocket propellants, or rocket components as a business under contract to or for the purposes of sale to any government, college, university, institution of higher learning, or other similarly engaged business entity; or (2) the design, construction, production, fabrication, manufacture, maintenance, launching, flight, test, operation, use of, or any activity in connection with rocket-propelled model aircraft which sustain themselves against gravity by aerodynamic lifting surfaces during the entire duration of their flight in the air, or to the rocket motors that provide propulsion therefor.

Sec. 47. Section 29-368 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

The Commissioner of [Public Safety] Emergency Services and Public Protection may grant variations or exemptions from, or approve equivalent or alternate compliance with, particular provisions of any regulation issued under the provisions of section 29-367 where strict compliance with such provisions would entail practical difficulty or unnecessary hardship or is otherwise adjudged unwarranted, provided any such variation, exemption, approved equivalent or alternate compliance shall, in the opinion of said commissioner, secure the public safety.

## Agency Legislative Proposal - 2013 Session

**Document Name:**

DAS 2013 Proposal #2 – Surplus Property Disposition Process

**State Agency:**

Department of Administrative Services

**Liaison:** Andrea Keilty; Terrence Tulloch-Reid

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**Lead Agency Division Requesting this Proposal:**

Commissioner's Office; Facilities & Leasing

**Agency Analyst/Drafter of Proposal:**

Andrea Keilty

**Title of Proposal:**

An Act Improving the Disposition of Surplus Real Property

**Statutory Reference:**

C.G.S. § 4b-21 (C.G.S §3-14b)

**Proposal Summary:**

This proposal improves the process by which the State's surplus real property is disposed by (1) requiring state agencies to analyze whether available property is useful for their core functions; (2) better informing the public about the surplus property process and soliciting their input as part of the decision-making process; (3) allowing the State to make reuse/disposition decisions based upon complete, accurate and current information; and (4) streamlining the approval process by eliminating redundant steps and shortening timeframes.

## PROPOSAL BACKGROUND

- **Reason for Proposal**

Under the current process, the sale of surplus property takes *at least* 400 to 600 days from the date an agency notifies OPM that it has no further use of a property to the date of sale, assuming each step progresses without any delays. Because the current process builds in redundant steps and track-backs, delays are frequent. In the meantime, the State continues to be responsible for maintaining the property and, on several occasions, is responsible for repairing damage caused because the property is vacant.

Moreover, notwithstanding the cumbersome notice procedures in place and the requirement that the State give the affected municipality the right of first refusal, members of the public and municipalities often feel that their interests are not given appropriate consideration by the State. Additionally, although the current procedure allows agencies to state a claim for property no longer needed by another agency, the current statute does not affirmatively require agencies to consider whether they have a use for surplus properties. As such, the State's ability to best manage its overall real estate portfolio is compromised. This proposal mandates responses from specific agencies that are likely to have a programmatic need for property.

This proposal is designed to address all of these problems. First, it shrinks the amount of time needed to sell surplus property by (1) requiring agencies to give OPM notice that they will no longer need property at least six-months in advance; (2) shrinking the amount of time allowed for each step of the process; and (3) eliminating the practice of giving municipalities multiple opportunities to consider whether to purchase the property. By reducing the timeframe, the costs of maintaining the properties and the risk of damage to vacant properties is significantly reduced.

In exchange for eliminating the right for municipalities to get several bites at the apple when deciding whether to purchase surplus State property (the municipalities currently have first rights to purchase when property is first declared surplus, then once again after the State has negotiated and come to terms with another buyer), municipalities will be offered the opportunity to receive surplus property for free, rather than at market value. This will give municipalities greater control and autonomy over their land use and development decisions.

The public meeting option is intended to give the OPM Secretary the ability to hear the concerns of the public directly. It is optional, rather than mandatory, because in many situations the surplus property at issue will not generate any public concern or controversy. On the other hand, if the property is particularly large or the reuse of the property after the State disposition is likely to require a zone change, the public meeting may be valuable to the State's decision-making process.

Similarly, the requirement that agencies affirmatively consider whether properties will address their needs ensures that OPM's disposition decisions are based on complete, accurate and current information.

This proposal also repeals the separate statute (C.G.S. § 18-31b) governing the disposal of former correctional facilities, as this proposal renders the separate process for disposing of such facilities moot.

This proposal was developed in conjunction with OPM Assets Management and SPRB staff, who have been meeting with DAS staff on a regular basis for over two years to improve the State's real property transactions, including the process by which surplus property is reused or sold. While the vast majority of the language below has been vetted and approved by OPM Assets Management and SPRB staff, small details in the language are still being discussed.

- **Origin of Proposal**        X   **New Proposal**             **Resubmission**

## PROPOSAL IMPACT

- **Agencies Affected** (please list for each affected agency)

**Agency Name:** Office of Policy and Management

**Agency Contact (name, title, phone):** Pat O'Brien & Paul Hinch, Assets Management Unit

**Date Contacted:** 9/21/12

Approve of Proposal      X   YES           NO      X   Talks Ongoing

<p><b>Summary of Affected Agency's Comments:</b>  This proposal was developed in conjunction with OPM Assets Management and SPRB staff, who have been meeting with DAS staff on a regular basis for approximately two years to improve the State's real property transactions, including the process by which surplus property is reused or sold. While the vast majority of the language below has been vetted and approved by OPM Assets Management and SPRB staff, small details in the language are still being discussed.</p>
<p><b>Agency Name:</b> Department of Economic and Community Development  <b>Agency Contact (name, title, phone):</b> Ron Angelo, Deputy Commissioner  <b>Date Contacted:</b> 9/25/12</p> <p>Approve of Proposal    <input type="checkbox"/> YES    <input type="checkbox"/> NO    <input type="checkbox"/> Talks Ongoing</p>
<p><b>Summary of Affected Agency's Comments:</b>  Still awaiting feedback on language.</p>
<p><b>Agency Name:</b> Department of Transportation  <b>Agency Contact (name, title, phone):</b> Pam Sucato  <b>Date Contacted:</b> 9/25/12</p> <p>Approve of Proposal    <input checked="" type="checkbox"/> YES    <input type="checkbox"/> NO    <input type="checkbox"/> Talks Ongoing</p>
<p><b>Summary of Affected Agency's Comments:</b>  DOT supports this proposal.</p>
<p><b>Agency Name:</b> Department of Agriculture  <b>Agency Contact (name, title, phone):</b> George Krivda, Legislative Program Manager  <b>Date Contacted:</b> 9/25/12</p> <p>Approve of Proposal    <input checked="" type="checkbox"/> YES    <input type="checkbox"/> NO    <input type="checkbox"/> Talks Ongoing</p>
<p><b>Summary of Affected Agency's Comments:</b>  DoAG supports this proposal.</p>
<p><b>Agency Name:</b> Department of Energy and Environmental Protection  <b>Agency Contact (name, title, phone):</b> Rob LaFrance, Legislative &amp; Administrative Manager  <b>Date Contacted:</b> 9/25/12</p> <p>Approve of Proposal    <input checked="" type="checkbox"/> YES    <input type="checkbox"/> NO    <input checked="" type="checkbox"/> Talks Ongoing</p>
<p><b>Summary of Affected Agency's Comments:</b>  DEEP supports this proposal.</p>
<p><b>Agency Name:</b> Department of Children and Families  <b>Agency Contact (name, title, phone):</b> Josh Howroyd, Legislative Program Manager  <b>Date Contacted:</b> 9/25/12</p> <p>Approve of Proposal    <input type="checkbox"/> YES    <input type="checkbox"/> NO    <input type="checkbox"/> Talks Ongoing</p>
<p><b>Summary of Affected Agency's Comments:</b>  Still awaiting feedback on language.</p>
<p><b>Agency Name:</b> Department of Developmental Services  <b>Agency Contact (name, title, phone):</b> Rod O'Connor, Legislative Program Manager  <b>Date Contacted:</b> 9/25/12</p> <p>Approve of Proposal    <input checked="" type="checkbox"/> YES    <input type="checkbox"/> NO    <input type="checkbox"/> Talks Ongoing</p>
<p><b>Summary of Affected Agency's Comments:</b></p>

DDS supports this proposal.
<b>Agency Name:</b> State Properties Review Board <b>Agency Contact (name, title, phone):</b> Brian Dillon, Administrative Manager <b>Date Contacted:</b> 9/21/12  Approve of Proposal <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> Talks Ongoing
<b>Summary of Affected Agency's Comments:</b> SPRB supports this proposal.
<b>Agency Name:</b> Office of the Treasurer <b>Agency Contact (name, title, phone):</b> Catherine LaMarr, General Counsel (860)702-3018 <b>Date Contacted:</b> 9/25/12  Approve of Proposal <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> Talks Ongoing
<b>Summary of Affected Agency's Comments:</b> The Treasurer's Office supports this proposal, including the elimination of C.G.S. §18-31b.
<b>Agency Name:</b> Department of Correction <b>Agency Contact (name, title, phone):</b> Lena Ferguson, Legislative Program Manager <b>Date Contacted:</b> 9/25/12  Approve of Proposal <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> Talks Ongoing
<b>Summary of Affected Agency's Comments:</b> The DOC supports this proposal, including the elimination of C.G.S. §18-31b.

- **Fiscal Impact** (please include the proposal section that causes the fiscal impact and the anticipated impact)

<b>Municipal:</b> (please include any municipal mandate that can be found within legislation) Possible savings associated with being able to receive surplus state property for free rather than at market value.
<b>State:</b> Minimal cost. On certain properties, the State may lose money by gratuitously transferring property to municipalities, rather than at market price, but such losses will be offset by no longer being required to maintain and repair surplus properties for months/years. Additionally, such losses are anticipated to be small, since any surplus property with economic development value can be transferred to and sold by to DECD instead of being gratuitously transferred to a municipality.
<b>Federal:</b> N/A
<b>Additional notes on fiscal impact:</b>

- **Policy and Programmatic Impacts** (Please specify the proposal section associated with the impact)

See above.
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## An Act Improving the Disposition of Surplus Real Property

Section 1. Section 4b-21 of the general statutes is repealed and the following is substituted in lieu thereof: (*Effective July 1, 2013*):

(a) When the General Assembly is not in session, the trustees of any state institution, the State Board of Education or the Commissioner of Correction may, subject to the provisions of section 4b-23, purchase or acquire for the state, through the Commissioner of Administrative Services, any land or interest therein if such action seems advisable to protect the state's interest or to effect a needed economy, and may, subject to the provisions of said section, contract through the Commissioner of Administrative Services for the sale or exchange of any land or interest therein belonging to the state except that The University of Connecticut may purchase or acquire for the state and may dispose of or exchange any land or interest therein directly. When the General Assembly is not in session, the Commissioner of Administrative Services, with the approval of the State Properties Review Board, may give or obtain an option upon any land or interest therein which is not under the control of the trustees of any state institution, the State Board of Education or the Commissioner of Correction when such action seems advisable, and such option shall remain in force until the fifteenth day of August following the next session of the General Assembly.

(b) Any state agency, department or institution having custody and control of land, an improvement to land or interest in land, belonging to the state, shall inform the Secretary of the Office of Policy and Management, in writing, no less than six months prior to the date when it is anticipated that such land, improvement or interest or any part thereof is not needed by the agency, department or institution. Upon receipt of such notification, the secretary [shall arrange for such agency, department or institution to forthwith transfer custody and control of such land, improvement or interest to] , at his or her discretion, shall determine whether the agency, department or institution shall retain responsibility for continued oversight of such land, improvement or interest in land or if such responsibility shall be transferred to the Department of Administrative Services, along with adequate funding for personnel and other operating expenses required for the maintenance of such land, improvement or interest, and shall notify all state agencies, departments and institutions that such land, improvement or interest is available.

(c) Within [ninety] thirty days of receipt of such notification from the secretary, the following agencies shall determine and notify the secretary in writing if the land, improvement or interest serves the following needs: (1) the Commission or Economic and Community Development shall determine and notify the Secretary in writing if such land, improvement or interest can be utilized or adapted for economic development, used as an emergency shelter or transitional living facility for homeless persons, or can be utilized or exchanged for property that can be utilized for economic development or the construction, rehabilitation or renovation of housing for persons and families of low and moderate income; (2) the Commissioner of Transportation shall determine and notify the Secretary in writing if such land, improvement or interest can be utilized for transportation purposes; (3) the Commissioner of Energy and Environmental Protection shall determine and notify the Secretary in writing if such land, improvement or interest can be used to meet the state's open space needs or to

otherwise support the agency's mission; (4) the Commissioner of Agriculture shall determine and inform the Secretary in writing if such land, improvement or interest can be used for farming or agricultural purposes; (5) the Commissioner of Veterans' Affairs shall determine and inform the Secretary in writing if such land, improvement or interest can be used for veterans' housing; (6) the Commissioner of Children and Families and the Commissioner of Developmental Services shall determine and notify the Secretary in writing if such land, improvement or interest can be used to support their respective agencies' missions; and (7) the Department of Administrative Services shall determine and notify the Secretary in writing if such land, improvement or interest can be used to house state agencies or can be leased. Any state agency, department or institution that is interested in utilizing the land, improvement or interest shall submit a plan to the secretary that sets forth the proposed use for the land, improvement or interest and a budget and timetable for such use. [If the Commissioner of Economic and Community Development determines that such land, improvement or interest can be utilized or adapted for use as an emergency shelter or transitional living facility for homeless persons or can be utilized or exchanged for property which can be utilized for the construction, rehabilitation or renovation of housing for persons and families of low and moderate income, said commissioner may (1) within such ninety-day period, submit to the secretary, in lieu of such plan, a preliminary plan indicating that the land, improvement or interest can be utilized, adapted or exchanged for such housing purposes and stating the type of housing that is planned and (2) within six months after the end of such ninety-day period, submit a comprehensive plan for the development of such housing to the secretary, in a form prescribed by the secretary. If the Commissioner of Economic and Community Development submits preliminary and comprehensive plans to the secretary within such periods, the agency, department or institution having custody and control of the land, improvement or interest shall transfer custody and control to the Commissioner of Economic and Community Development in accordance with such procedures as the secretary may prescribe. If (A) the Commissioner of Economic and Community Development does not submit a preliminary plan to the secretary within such ninety-day period or so submits a preliminary plan but does not submit a comprehensive plan to the secretary within such six-month period, and (B)] If one or more agencies, departments or institutions submit a plan for such land, improvement or interest to the secretary within such [ninety]thirty-day period, the secretary shall analyze such agency, department or institution plan or plans and determine whether (i) custody and control of the land, improvement or interest shall be transferred to one of such agencies, departments or institutions, in which case the agency, department or institution having custody of the land, improvement or interest shall make such transfer[, or (ii) the land, improvement or interest shall be treated as surplus].

[(c)] (d) The secretary may, in his or her discretion hold an informational public meeting in the town where the property is located to inform the public about the surplus process; provide a description of the property at issue; inform the public about their right to submit written comments under section 4b-47; and allow members of the public the opportunity to comment at the meeting. If the secretary determines that such land, improvement, interest or part thereof may properly be treated as surplus, he shall notify



the Commissioner of Administrative Services. If the secretary also determines that such land, improvement or interest or part thereof was purchased or improved with proceeds of tax exempt obligations issued or to be issued by the state, he shall also notify the Treasurer.

(e) If the secretary determines that such land, improvement, interest or part thereof may properly be treated as surplus, the Commissioner of Administrative Services shall gratuitously transfer such property to the municipality in which the property, or part thereof, is situated, provided (1) that the municipality by vote of its legislative body first accept such property and (2) a resolution of such action verified by the clerk of the municipality is delivered to the Commissioner of Administrative Services no more than sixty days after receiving notice from the commissioner about the proposed transfer. If the municipality fails to deliver such resolution to the commissioner within the time frame provided, the municipality shall be deemed to decline the gratuitous transfer of the property; provided, however, that the commissioner, in his or her discretion, may extend this deadline by no more than an additional sixty days. The municipality shall waive all rights to purchase the land, improvement or interest, including all rights under section 3-14b, if the municipality declines or is deemed to decline the gratuitous transfer of the property.

(f) If the municipality declines or is deemed to decline the gratuitous transfer of the property, [The] the Commissioner of Administrative Services may sell, exchange or lease, or enter into agreements concerning, such land, improvement, interest or part thereof, after (1) notifying (A) the municipality or municipalities in which such land, improvement or interest is located, (B) the members of the General Assembly representing such municipality or municipalities, (C) the regional planning organization, as defined in 4-124i, of the region where the land, improvement or interest is located, (D) the Connecticut Economic Resource Center, Inc., and (E) any potential developer of an incentive housing development, as defined in section 8-13m, who has registered with the Commissioner of Economic and Community Development to be notified of any such state surplus land, and (2) obtaining the approval of (A) the Secretary of the Office of Policy and Management, (B) the State Properties Review Board, and (C) the joint standing committees of the General Assembly having cognizance of matters relating to (i) state revenue, and (ii) the purchase and sale of state property and facilities, and (3) if such land, improvement, interest or part thereof was purchased or improved with proceeds of tax-exempt obligations issued or to be issued by the state, obtaining the approval of the Treasurer. The Treasurer may disapprove such a transaction only if the transaction would affect the tax-exempt status of such obligations and could not be modified to maintain such tax-exempt status. If a proposed agreement for such a conveyance has not been submitted to the State Properties Review Board within [three years] one year after the Commissioner of Administrative Services provides such notice to such municipality and such members of the General Assembly, or if the board does not approve the proposed agreement within [five] two years after such notice, the Commissioner of Administrative Services may not convey such land, improvement or interest without again so notifying such municipality and such members of the General Assembly.

(g) In the case of a proposed lease of land, an improvement to land or an interest in land, or any part thereof, with a person, firm or corporation in the private sector, for a term of six months or more, the Commissioner of Administrative Services shall comply with such notice requirement by notifying in writing the chief executive officer of the municipality in which the land, improvement or interest is located and the members of the General Assembly representing such municipality, not less than two weeks before seeking the approval of said the secretary, board and committees, concerning the proposed lease and the manner in which the lessee proposes to use the land, improvement or interest. [Each agency, department or institution which informs the secretary that any land, improvement or interest in land is not needed shall retain responsibility for its security and maintenance until the Commissioner of Administrative Services receives custody and control of the property, if any.]

(h) The Treasurer shall execute and deliver any deed or instrument necessary to convey the title to any property the sale or exchange of which or a contract for the sale or exchange of which is authorized by this section.

[(d)] (i) Upon approval of the proposed action of the Commissioner of Administrative Services by said secretary and board, said commissioner shall request approval of such action by the joint standing committees of the General Assembly having cognizance of matters relating to state revenue and the purchase and sale of state property and facilities. Each committee shall have no more than thirty days from the date such request is received to convene a meeting to vote to approve or disapprove such action or to notify the Commissioner of Administrative Services in writing that it is waiving its right to convene a meeting. If such request is withdrawn, altered, amended or otherwise changed, said commissioner shall resubmit such request, and each committee shall have thirty days from the date of such resubmittal to convene a meeting to vote to approve or disapprove such action or to notify the commission in writing that it is waiving its right to convene a meeting. If a committee does not act on a request or the resubmittal of a request, as the case may be, within that time, the request shall be deemed to be approved by the committee.

[(e)] (j) Except as explicitly stated in subsection (e), [N]no provision of this section shall be construed to limit, supersede or repeal any other provision of law relating to the powers or duties of any state agency.

[(f)] (k) The requirements of subsections (b) to [(d)] (i), inclusive, of this section shall not apply to land which the Commissioner of Energy and Environmental Protection has acquired pursuant to 42 USC 9601 et seq., the federal Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, (CERCLA).

Section 2. Section 18-31b is repealed. (*Effective July 1, 2013*)

## Agency Legislative Proposal - 2013 Session

**Document Name:**

DAS 2013 Proposal #3 - E-Portal

**State Agency:**

Department of Administrative Services

**Liaison:** Andrea Keilty; Terrence Tulloch-Reid

**Phone:** (860)713-5267; (860)713-5085

**E-mail:** [andrea.keilty@ct.gov](mailto:andrea.keilty@ct.gov); [terrence.reid@ct.gov](mailto:terrence.reid@ct.gov)

**Lead Agency Division Requesting this Proposal:**

DAS - BEST

**Agency Analyst/Drafter of Proposal:**

Andrea Keilty

**Title of Proposal:**

AA Enabling Rapid Deployment of E-Government Services

**Statutory Reference:**

P.A. 12-2 (June 12 Special Session), Section 152

**Proposal Summary:**

This proposal modifies language that passed in last year's budget implementer bill that provided authorization for state agencies to enter into contracts with private and non-profit entities to help get more government services and transactions online. The modification enables the state to utilize an increasingly popular self-funded model for these contracts - requiring the chosen vendor(s) to provide all initial development and on-going development and maintenance services to the State without any up-front financial investment by the State. In these self-funded contracts, the vendor(s) are reimbursed through administrative fees determined by the State.

### PROPOSAL BACKGROUND

- **Reason for Proposal**

Numerous state agencies and offices are moving forward with eGovernment initiatives to enable their clients and the public to transact business with the state online, and to provide data and information in an easily accessible web-based format.

In order to rapidly move forward with these initiatives, and to do so in a cost-effective and coordinated manner that does not require individual agencies, offices and branches to separately invest money and resources in the effort, states have been moving toward a self-funded eGovernment portal model. Approximately half of the states have entered into contracts utilizing self-funded models to do this work.

This model enables states to dramatically improve and maintain a new online presence and to expeditiously move forward with eGovernment initiatives. The chosen vendor(s) provide the work to transform state website portals and move state transactions and services online, with no

up-front cost to the states, enabling us to move forward with these initiatives with **no general fund appropriations or bond funds**. The vendor works with each state to recommend certain transactions on which small administrative service fees may be added to support the system. No fees are ever imposed without review by members of the executive and legislative branches.

This model has the benefits of quickly bringing new services to citizens, in a manner that is both cost-effective and sustainable over the long term.

DAS and DECD are currently evaluating proposals, in response to a competitively bid Request for Proposals (RFP), to work with an entity to help the State of Connecticut update and improve the existing CT.gov portal and rapidly move chosen State agency services and transactions online. Some bond funds may be available to help fund some of the initial investment required to do this work. Additionally, it may be possible to seek appropriations to help develop the new CT.gov portal. However, in addition to the initial outlay, significant investment – whether through bond funds or direct appropriations – will be necessary on an ongoing basis to maintain the system and to continue to bring more government services and transactions online over time. If the State had the option to utilize the self-funded contract model, it would obviate the need for initial and/or ongoing bond funds or state agency appropriations to do this work. Furthermore, the State would be able to do this work more rapidly, and consistently continue to add more online government transactions and services to our portal, utilizing the self-funded contract model than the traditional pay-for-services model.

- **Origin of Proposal**      ☒ **New Proposal**      ☐ **Resubmission**

Section 152 of P.A. 12-2 (June 12 Special Session) gave State agencies authorization to enter into contracts with private and non-profit entities to help get more government services and transactions online. While this language also allowed the chosen entity to charge an administrative fee, the language provided that such fee “shall be deposited into the General Fund.” This language is inconsistent with the self-funded contract model, where the chosen entity provides all initial development and on-going development and maintenance services to the State without any up-front financial investment by the State. Instead, the chosen entity is reimbursed through administrative fees, which are added to some online transactions provided through the portal.

The State has complete decision-making authority over both the types of transactions upon which administrative fees are added, and the amount of the administrative fee charged on each chosen transaction.

## PROPOSAL IMPACT

- **Agencies Affected** (please list for each affected agency)

**Agency Name:** DECD

**Agency Contact (name, title, phone):** Commissioner Catherine Smith

**Date Contacted:** ongoing since early 2012

Approve of Proposal    ☒ YES    ☐ NO    ☐ Talks Ongoing

### Summary of Affected Agency's Comments:

Commissioner Smith is in strong support of this proposal.

Will there need to be further negotiation? ____ YES <u>X</u> NO

- **Fiscal Impact** (please include the proposal section that causes the fiscal impact and the anticipated impact)

**Municipal:** (please include any municipal mandate that can be found within legislation)

Many municipalities use state contracts for purchasing, due to limited procurement resources at the local level. While not mandating municipal participation, this would create an alternative option for greater citizen engagement than is currently available.

**State:**

Significant Savings. Allowing the State to utilize the self-funded contract model to develop the CT.gov portal would eliminate the need to fund the initial portal development work and ongoing site maintenance and development with State bond funds and/or direct appropriations to the agencies. We have estimated that this work, if done by the State, would cost approximately \$1 million for upfront investment and \$2.5-3.0 million per year in ongoing support and maintenance.

**Federal:**

N/A

**Additional notes on fiscal impact:**

- **Policy and Programmatic Impacts** (Please specify the proposal section associated with the impact)

See above.

## **An Act Enabling Rapid Deployment of E-Government Services**

Section 1. Section 152 of Public Act 12-2 (June 12 Special Session) is repealed and the following is substituted in lieu thereof: (*Effective upon passage*):

(a) Notwithstanding any other provision of the general statutes, the Secretary of the Office of Policy and Management may authorize any state agency to enter into agreements with private and nonprofit entities to facilitate the public's utilization of government services and programs electronically. Any agency seeking authorization to enter into such an agreement shall select entities to participate in such agreements on the basis of competitive bidding or competitive negotiation prior to seeking such authorization. Each such agency shall provide notice of such solicitation for competitive bids or request for proposals in a form and manner that the secretary determines will maximize public participation in the competitive bidding or competitive negotiation process. Under such agreements, the state may allow entities to collect any applicable statutory or regulatory fees owed to the state and to remit such amounts as defined in statute. The agreement also may allow an entity to charge an administrative fee, [which shall be deposited into the General Fund,] provided any administrative fee to utilize a

government service or program electronically is approved by the Finance Advisory Committee before it is imposed.

(b) Any such agreement authorized under this section shall comply with the provisions of chapter 14 of the general statutes and shall ensure the public retains the ability to access government services and programs using nonelectronic means. The secretary shall not authorize any agreement that adversely affects the ability of individuals to apply for or receive assistance or benefits from the Department of Social Services.

## Agency Legislative Proposal - 2013 Session

**Document Name:**

DAS 2013 Proposal #4 – Emergency Leasing

(If submitting an electronically, please label with date, agency, and title of proposal – 092611\_SDE\_TechRevisions)

**State Agency:**

Department of Administrative Services

**Liaison:** Andrea Keilty; Terrence Tulloch-Reid

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**Lead Agency Division Requesting this Proposal:**

Commissioner's Office / Facilities & Leasing

**Agency Analyst/Drafter of Proposal:**

Andrea Keilty

**Title of Proposal:**

AA to Streamline the Leasing Process in the Event of a Building-Specific Emergency

**Statutory Reference:**

Conn. Gen. Stat. §§ 4b-3, 4b-23

**Proposal Summary:**

This language allows the Commissioner of Administrative Services to enter into leases of 12-months or less without going through the OPM/SPRB review process when necessary after the Governor declares a building-specific emergency that requires the immediate re-location of the building occupants. This proposal does not alter the requirement that all leases be approved by the Office of the Attorney General.

## PROPOSAL BACKGROUND

- **Reason for Proposal**

Pursuant to C.G.S. §§ 4b-23(k) and (l), OPM, and in certain circumstances, the State Property Review Board (SPRB), must pre-approve the acquisition of any space or facility that is not included in the existing State Facility Plan. C.G.S. §4b-3(f) also requires SPRB approval of real estate acquisition sales or leases. Although not specified in statute, OPM and SPRB require numerous and detailed forms and procedures before those entities will review and approve requests for space pursuant to the statutes.

Space or facilities needs resulting from an emergency that renders a building unusable by their nature cannot be planned, and therefore would not be included in the State Facility Plan. If a building becomes unusable due to such an emergency and the Governor declares the state has an immediate need for space via a lease (to house state agencies and employees, clients, patients, inmates, etc.), utilizing the existing processes would result in delay and may jeopardize state services and operations. Currently, the lease process takes 12-18 months. The

proposed language would give the Commissioner of Administrative Services the ability to expedite the acquisition of new leased space if necessary.

This proposal mirrors C.G.S. §4b-52(b), which gives the Commissioner of Construction Services the authority to waive the competitive bidding process if necessary to effect repairs on a state building that has been rendered unusable due to an emergency at the building. This statute allows DCS to expedite the repairs of the building, but it does not address what happens to the people who cannot occupy the building while the repairs are taking place.

DAS already has authority under C.G.S. §4b-34 to waive the requirement to advertise for space, but advertising accounts for only a small portion of the overall leasing process. The more time consuming elements of the leasing process involve the OPM and SPRB procedures. The proposed language is needed to ensure that the state employees, clients, patients, inmates, etc. of the state building that is unusable have an alternate location with a minimum of delay and disruption to the operations of the state.

- **Origin of Proposal**      ☒ **New Proposal**      ☐ **Resubmission**

## PROPOSAL IMPACT

- **Agencies Affected** (please list for each affected agency)

**Agency Name:** OPM

**Agency Contact (name, title, phone):** Pat O'Brien & Paul Hinch, Assets Management Unit

**Date Contacted:** 9/21/12

Approve of Proposal    ☒ YES    ☐ NO    ☐ Talks Ongoing

**Summary of Affected Agency's Comments:**

OPM Assets Management Unit has vetted this language and supports it.

Will there need to be further negotiation?    ☐ YES    ☒ NO

**Agency Name:** SPRB

**Agency Contact (name, title, phone):** Brian Dillon, Administrative Manager

**Date Contacted:** 9/21/12

Approve of Proposal    ☒ YES    ☐ NO    ☐ Talks Ongoing

**Summary of Affected Agency's Comments:**

SPRB has vetted this proposal and supports it.

Will there need to be further negotiation?    ☐ YES    ☒ NO

- **Fiscal Impact** (please include the proposal section that causes the fiscal impact and the anticipated impact)



<b>Municipal:</b> (please include any municipal mandate that can be found within legislation) N/A
<b>State:</b> Cost-neutral/Potential Indirect Savings - By giving DAS the authority to enter into short-term leases expeditiously, this proposal will minimize or eliminate potential disruptions to services caused by building-specific emergencies that render parts or all of the building unusable.
<b>Federal:</b> N/A
<b>Additional notes on fiscal impact:</b>

- **Policy and Programmatic Impacts** (Please specify the proposal section associated with the impact)

See above.
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### AA to Streamline the Leasing Process in the Event of a Building-Specific Emergency

Section 1. The general statutes are amended by adding the following section: (*Effective upon passage*).

(NEW) Notwithstanding the provisions of section 4b-3 and section 4b-23, the Commissioner of Administrative Services may enter into a lease with a term of no more than 12 months without obtaining the approval of the Office of Policy and Management and the State Properties Review Board when the Governor declares that (1) an emergency exists because a state facility has been damaged, destroyed or otherwise rendered unusable due to any cause; (2) such emergency would adversely affect public safety or the proper conduct of essential state government operations; and (3) the state has an immediate need to acquire alternative space.

## Agency Legislative Proposal - 2013 Session

**Document Name:**

2013 DAS Proposal #5 – Procurement Changes

**State Agency:**

Department of Administrative Services

**Liaison:** Andrea Keilty; Terrence Tulloch-Reid

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**E-mail:** [andrea.keilty@ct.gov](mailto:andrea.keilty@ct.gov); [terrence.reid@ct.gov](mailto:terrence.reid@ct.gov)

**Lead Agency Division Requesting this Proposal:**

Procurement Services

**Agency Analyst/Drafter of Proposal:**

Andrea Keilty

**Title of Proposal:**

AA Regarding DAS Procurement

**Statutory Reference:**

C.G.S. §§ 4a-50, 4a-55 and 4a-59a

**Proposal Summary:**

This bill affects three statutes in C.G.S. Chapter 58 (Purchases & Printing):

- 4a-50. Clarifies the definition of “contractual service” to codify existing practice and to provide clear authority for DAS to enter into contracts for services that are utilized by more than one state agency (Audit recommendation).
- 4a-55. Repeals an obsolete statute regarding laundry cooperative corporations.
- 4a-59a. Provides the Commissioner of Administrative Services with the authority to extend an existing contract, for a period not to exceed one additional year, if failure to provide such extension would compromise continuity of state agency systems or operations. In such a case, the Commissioner would have to provide a certification in writing.

## PROPOSAL BACKGROUND

- **Reason for Proposal**

Section 1. Re: C.G.S. § 4a-50 – “Contractual Services”

C.G.S. § 4a-51 gives the Commissioner of DAS responsibility over, among other things, the “purchase, lease or contract for all supplies, materials, equipment **and contractual services** required by any state agency . . .”

For years, the Auditors of Public Accounts have been troubled by the lack of clarity in the definition of “contractual services,” (found in C.G.S. § 4a-50(3)), particularly with regard to the overlap of “contractual services,” for which DAS may contract on behalf of state agencies under § 4a-51, with “personal services agreements,” individual agency contracts that OPM regulates pursuant to C.G.S. § 4-212. The Auditors are correct that the definitions are circular, and could use some clarity:

- **§ 4a-50 (3)** provides: "Contractual services" means any and all laundry and cleaning service, pest control service, janitorial service, security service, the rental and repair, or maintenance, of equipment, machinery and other state-owned personal property, advertising and photostating, mimeographing, and other service arrangements where the services are provided by persons other than state employees;
- **§ 4-212** provides:
  - (2) "Personal service contractor" means any person, firm or corporation not employed by the state, who is hired by a state agency for a fee to provide services to the agency. The term "personal service contractor" shall not include (A) a person, firm or corporation providing "contractual services", as defined in section 4a-50, to the state, . . .
  - (3) "Personal service agreement" means a written agreement defining the services or end product to be delivered by a personal service contractor to a state agency, excluding any agreement with a personal service contractor that the state accounting manual does not require to be submitted to the Comptroller.

Over the years, particularly as technology has changed, service offerings have changed, and new requests for contracts are brought to DAS's attention regularly. When there is uncertainty regarding whether a service falls under Chapter 58 (DAS "contractual services") or Chapter 55a (Personal Service Agreements (PSAs)), DAS, OPM, and sometimes our Assistant Attorney General confer to determine whether the service contract should be awarded under DAS's Chapter 58 authority or under the PSA rules. Generally DAS and OPM have agreed that if the request has statewide applicability or if the service will be used by more than one agency, then it is appropriate, most efficient and in the best interests of the state for DAS to award the contract under its Chapter 58 authority. Not only does DAS have expertise in contract preparation, negotiation, award and administration, it also has the authority to enter into statewide contracts that may be used (uniformly) by many or all state agencies, which is much more efficient than having numerous state agencies enter into their own agreements for the same or similar services.

Examples of such contracts include Diversity Training services (to handle statutorily mandated training required for all state employees); Temporary Office services; Employee Assistance Provider services; and LEAN consultant services. DAS is also planning to execute a statewide contract for Appraisal services, to eliminate the need for agencies to execute new, individual contracts for such services each time an agency has a need for appraisals in connection with the sale, purchase or lease of state property or facilities (saving the state time and money).

Section 1 of this proposal modifies the definition of “contractual service” to codify existing practice and to provide clear authority for DAS to enter into contracts for services that are utilized by more than one state agency.

Section 2. Re: C.G.S. § 4a-55 – Obsolete Statute regarding Laundry Coops

This statute provides that any institution or state agency, with the approval of the DAS Commissioner, may become a member of a corporation established to provide hospital laundry services and supplies on a cooperative basis to its members and may, with DAS's approval, enter into a contract with such a corporation. This statute was enacted in 1969 and was amended only once, in 1977, to update DAS's agency name. No state agency is currently a member of any laundry cooperative corporation, and it is DAS's understanding that these cooperatives have not been established in many years. Section 2 seeks to repeal this obsolete statute.

Section 3. Re: C.G.S. § 4a-59a – Contract Extensions. In general, state agencies competitively bid every contract for supplies, materials, equipment and contractual services; and when those contracts expire, the agency again goes out to the competitive market to rebid. Exceptions to this general rule apply when (1) soliciting competitive bids for a purchase would cause a hardship for the state, (2) when a competitive solicitation would result in a major increase in the cost of the goods or services under contract, or (3) when the contractor is the sole source for the products or services. In such instances, the DAS Commissioner must make a written determination of the exception used, and must also test the marketplace by soliciting at least three competitive quotes in addition to the contractor's quote, and making a written determination that no comparable competitive quote is lower than or equal to the contractor's price.

While DAS agrees that these guidelines are appropriate to protect against frequent, ill-advised, or ad hoc contract extensions, there is a need for some flexibility in the statutes to address situations where failure to extend an existing contract would compromise continuity of state agency systems or operations. While infrequent, unforeseen situations do arise, particularly in the Information Technology area, when a new contract is not yet ready to be executed or a newly-chosen vendor is not yet ready to perform at the time an existing contract expires. In such situations, the existing statutory exceptions authorizing contract extensions do not apply, and the State has no recourse but to terminate the existing contract, leaving a gap in service. Such situations create severe problems when the contract at issue provides products or services that are critical to State agency systems or operations.

Existing statutes already recognize the importance of ensuring the continuity of State agency IT facilities, equipment and systems. C.G.S. § 4d-44 provides that:

“Each contract, subcontract or amendment to a contract or subcontract shall include provisions ensuring continuity of state agency information system and telecommunication system facilities, equipment and services, in the event that work under such contract, subcontract or amendment is transferred back to the state or transferred to a different contractor, upon the expiration or termination of the contract, subcontract or amendment or upon the default of the contractor or subcontractor . . .”

Although contract provisions exist to address these contingencies, they do not help when state statute expressly provides that those contracts cannot be extended after their contract expiration date.

In order to address such situations, and to prevent a gap in critical products or services, DAS proposes a narrow exception allowing the DAS Commissioner to extend an existing contract, for a period not to exceed one additional year, if failure to provide such extension would

compromise continuity of state agency systems or operations. In such a case, the Commissioner would have to provide a written certification. These changes are found in subsection (b) of Section 3.

The changes in subsection (a) of Section 3 serve merely to clarify the extension process and make it more workable. As stated above, under current statute, the DAS Commissioner may extend an existing contract if he can show that (1) soliciting competitive bids for a purchase would cause a hardship for the state, (2) a competitive solicitation would result in a major increase in the cost of the goods or services under contract, or (3) the contractor is the sole source for the products or services. In such instances, the DAS Commissioner must still solicit at least three competitive quotes from other vendors. This requirement to solicit other bids is simply not possible in sole source situations. Hence, DAS seeks to clarify this part of the statute and only require 3 competitive quotes in situations involving (1) or (2) above.

- **Origin of Proposal**        X   **New Proposal**             **Resubmission**

## PROPOSAL IMPACT

- **Agencies Affected** (please list for each affected agency)

**Agency Name:** Office of Policy & Management

**Agency Contact (name, title, phone):** Bob Dakers & Mike Sullivan

**Date Contacted:** 9/13/12

Approve of Proposal           YES           NO      X   Talks Ongoing

### Summary of Affected Agency's Comments:

DAS and OPM are working together, along with our Assistant Attorney General who supports our contracting functions, to craft the proper language to clarify the overlap between PSAs and "contractual services" and DAS's authority to enter into statewide service contracts for agencies' use (Section 1 of this proposal). While the parties agree on the policy underlying the Section 1 changes, further discussion is needed to finalize the precise language.

Will there need to be further negotiation?   X   YES           NO

**Agency Name:** Department of Children & Families

**Agency Contact (name, title, phone):** Josh Howroyd, Leg Program Manager

**Date Contacted:** 9/18/12

Approve of Proposal      X   YES           NO           Talks Ongoing

### Summary of Affected Agency's Comments:

DAS asked DCF to review Section 2 and sought input on whether the agency would be opposed to a DAS proposal to eliminate § 4a-55. DCF responded that it has no concerns with eliminating this statute.

Will there need to be further negotiation?        YES      X   NO

<b>Agency Name:</b> Department of Mental Health and Addiction Services <b>Agency Contact (name, title, phone):</b> Doreen DelBianco, Legislative Program Manager <b>Date Contacted:</b> 9/18/12  Approve of Proposal <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> Talks Ongoing
<b>Summary of Affected Agency's Comments:</b> DAS asked DMHAS to review Section 2 and sought input on whether the agency would be opposed to a DAS proposal to eliminate § 4a-55. DMHAS responded that it has no concerns with eliminating this statute.
Will there need to be further negotiation? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
<b>Agency Name:</b> Department of Developmental Services <b>Agency Contact (name, title, phone):</b> Rod O'Connor, Legislative Program Manager <b>Date Contacted:</b> 9/18/12  Approve of Proposal <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> Talks Ongoing
<b>Summary of Affected Agency's Comments:</b> DAS asked DDS to review Section 2 and sought input on whether the agency would be opposed to a DAS proposal to eliminate § 4a-55. DDS responded that it has no concerns with eliminating this statute.
Will there need to be further negotiation? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

- **Fiscal Impact** (please include the proposal section that causes the fiscal impact and the anticipated impact)

<b>Municipal:</b> (please include any municipal mandate that can be found within legislation) N/A
<b>State:</b> No cost. Potential Cost Avoidance.  While no quantifiable savings, clarifying the definition of “contractual services” in Section 1 promotes efficiency. Further, enabling the DAS Commissioner to extend an existing contract for up to one year, in situations where failure to do so would compromise continuity of state agency systems or operations, enables the state to avoid potential gaps in products or services critical to state agency operations and avoid potential harm to state functions and services, and to the citizens served by the State.
<b>Federal:</b> N/A
<b>Additional notes on fiscal impact:</b>

- **Policy and Programmatic Impacts** (Please specify the proposal section associated with the impact)

## AA Regarding DAS Procurement

Section 1. Section 4a-50(3) of the general statutes is repealed and the following is substituted in lieu thereof: (*Effective July 1, 2013*).

(3) "Contractual services" means any and all laundry and cleaning service, pest control service, janitorial service, security service, the rental and repair, or maintenance, of equipment, machinery and other state-owned personal property, advertising and photostating, mimeographing, service utilized by more than one state agency, and other service arrangements where the services are provided by persons other than state employees;

Section 2. Section 4a-55 of the general statutes is repealed: (*Effective July 1, 2013*).

**[Sec. 4a-55. (Formerly Sec. 4-110b). Laundry service and supply contracts.** Any institution or agency of the state of Connecticut, with the approval of the Commissioner of Administrative Services, may become a member of a corporation established to provide hospital laundry services and supplies on a cooperative basis to its members and may, with the approval of the Commissioner of Administrative Services, enter into a contract or contracts with said corporation, including a long-term contract for the purchase of laundry services and supplies for the hospital facilities operated by said institution or agency. Such contract or contracts shall be for such periods and upon such terms and conditions as may be mutually determined by such institutions or agencies and the corporation.]

Section 3. Section 4a-59a of the general statutes is repealed and the following is substituted in lieu thereof: (*Effective July 1, 2013*):

(a) No state agency may extend a contract for the purchase of supplies, materials, equipment or contractual services which expires on or after October 1, 1990, and is subject to the competitive bidding requirements of subsection (a) of section 4a-57, without complying with such requirements, unless [(1)] the Commissioner of Administrative Services makes a written determination, supported by documentation, that (A) soliciting competitive bids for such purchase would cause a hardship for the state, (B) such solicitation would result in a major increase in the cost of such supplies, materials, equipment or contractual services, or (C) the contractor is the sole source for such supplies, materials, equipment or contractual services.], (2)] Except in the case of a sole source under subdivision (C) of this subsection, the commissioner shall solicit[s] at least three competitive quotations in addition to the contractor's quotation, and shall make [(3) the commissioner makes] a written determination that no such competitive quotation which complies with the existing specifications for the contract is lower than or equal to the contractor's quotation. Any such contract extension shall be based on the contractor's quotation. No contract may be extended more than two times under this

section.

(b) Notwithstanding the provisions of subsection (a) of this section, the Commissioner of Administrative Services may, for a period of up to one year from the date such contract would otherwise expire, (1) extend any contract in effect on May 1, 2005, with a value of fifty thousand dollars or more per year, to perform any of the following services for the state: Janitorial, building maintenance, security and food and beverage, provided any [ . Any] such extension shall include any applicable increase in the standard wage and the payroll burden to administer the standard wage, as established by the Labor Department; or (2) extend an existing contract if the commissioner certifies in writing that failure to provide such short-term extension would compromise continuity of state agency systems or operations.



## Agency Legislative Proposal - 2013 Session

**Document Name:**

DAS 2013 Proposal #6 – Sale of Correctional Facilities

**State Agency:**

Department of Administrative Services

**Liaison:** Andrea Keilty; Terrence Tulloch-Reid

**Phone:** (860)713-5267; (860)713-5085

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**Lead Agency Division Requesting this Proposal:**

Facilities & Leasing

**Agency Analyst/Drafter of Proposal:**

Andrea Keilty

**Title of Proposal:**

AAC the Sale of Former Correctional Facilities

**Statutory Reference:**

C.G.S. §18-31b

**Proposal Summary:**

This bill revises C.G.S. §18-31b to make the sale of former correctional centers more consistent with the sale of other surplus property; specifically, to make DAS, not the Office of the Treasurer, responsible for the sale of the property and to eliminate the mandate that the sale occur through public auction.

Please note, if DAS proposal #2, AA Improving the Disposition of Surplus Real Property, is approved, this proposal is unnecessary.

## PROPOSAL BACKGROUND

- **Reason for Proposal**

The sale of surplus state property is usually governed by C.G.S. §4b-21, which requires, among other things, that after the Office of Policy and Management declares a property to be surplus, the Department of Administrative Services may sell, exchange or lease, or enter into agreements concerning the property, after providing notice to the municipality and its legislators and obtaining approval from OPM, the State Properties Review Board and the General Assembly. DAS' Assets and Property Transfer Unit, which is experienced in real estate matters, sells surplus property after publicly soliciting bids, selecting the preferred bidder and negotiating with the highest bidder.

The sale of surplus correctional facilities, on the other hand is governed by C.G.S. §18-31b, which specifies that the Office of the Treasurer is responsible for disposing of such property and that the property shall be sold by public auction. Notwithstanding the reference in the statute to the State's "regular procedure," the State does not regularly engage in the public auction of its real property. The Office of the Treasurer ("OTT") has advised DAS that it is not equipped

to maintain real property pending its sale and is not experienced in the conduct of real property auctions.

Indeed, a recent situation involving the surplus sale of a former correctional facility in Litchfield brought the difficulties with this statute to light. DAS, OTT, and OPM Assets Management Unit agreed that we would seek a legislative change this year to update this antiquated statute and to bring the sale of surplus correctional facility process in line with the process that exists for other surplus state realty.

This proposal makes DAS responsible for the sale of the surplus correctional facilities instead of the Office of the Treasurer. It also allows DAS to follow its standard practices for selling properties, rather than mandating the sale by auction.

- **Origin of Proposal**      ☒ **New Proposal**      ☐ **Resubmission**

## PROPOSAL IMPACT

- **Agencies Affected** (please list for each affected agency)

**Agency Name:** Office of the Treasurer

**Agency Contact (name, title, phone):** Catherine LaMarr, General Counsel (702-3018)

**Date Contacted:** 9/14/12

Approve of Proposal    ☒ YES    ☐ NO    ☐ Talks Ongoing

### Summary of Affected Agency's Comments:

OTT is in support of either repealing this statute, or modifying it per the proposal below.

Will there need to be further negotiation?    ☐ YES    ☒ NO

**Agency Name:** Department of Correction

**Agency Contact (name, title, phone):** Lena Ferguson, Legislative Program Manager (692-7510)

**Date Contacted:** 9/14/12

Approve of Proposal    ☒ YES    ☐ NO    ☐ Talks Ongoing

### Summary of Affected Agency's Comments:

DOC has reviewed the proposal and stated that it has no concerns.

Will there need to be further negotiation?    ☐ YES    ☒ NO

- **Fiscal Impact** (please include the proposal section that causes the fiscal impact and the anticipated impact)

**Municipal:** (please include any municipal mandate that can be found within legislation)

N/A. This proposal does not alter the process as it relates to the municipalities. The existing requirement to offer the property as a gratuitous transfer to the municipality in which the correctional facility is located remains unchanged.

<b>State:</b> Cost neutral. DAS can incorporate any additional responsibilities imposed by the proposal within existing resources.
<b>Federal:</b> N/A
<b>Additional notes on fiscal impact:</b>

• **Policy and Programmatic Impacts** (Please specify the proposal section associated with the impact)

See above.
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### AAC the Sale of Former Correctional Facilities

Section 1. Section 18-31b of the general statutes is repealed and the following is substituted in lieu thereof: (*Effective upon passage*).

(a) Whenever any community correctional center and the land used in connection therewith is no longer needed as a place for penal or correctional purposes, the Community Correctional Center Administrator shall certify to the State Treasurer, the Commissioner of Administrative Services and the Secretary of the Office of Policy and Management, within six months thereafter, that such facility and land are not required for penal or correctional purposes. If at any time thereafter the Commissioner of Administrative Services and the Secretary of the Office of Policy and Management and the State Treasurer jointly certify that such property or any portion thereof is surplus and not needed for any other purpose of the state, the [Treasurer] Commissioner Of Administrative Services shall forthwith and gratuitously transfer such property to (1) the municipality in which the facility and land are situated, provided the municipality by vote of its legislative body shall first accept such property and a resolution of such action verified by the clerk of the municipality shall be delivered to the [Treasurer] Commissioner Of Administrative Services or (2) the redevelopment agency of the municipality if the land is situated or included in a redevelopment area of the municipality, upon request to the [Treasurer] Commissioner Of Administrative Services by such agency, without restriction as to municipal use; if the transfer has been made, the municipal use restriction shall be removed by appropriate release from the [Treasurer] Commissioner of Administrative Services. If such property is not transferred to such municipality or the redevelopment agency thereof, such property shall be [auctioned] sold according to regular procedure by the state [to the highest bidder]. No separate residential dwelling unit or the land on which it is situated owned by the state and used or formerly used by community correctional center administration personnel of any abandoned community correctional center shall be included in the conveyance of community correctional center facilities to the municipality, but such residential property may be sold by the state [to the highest

bidder] after certification to the [Treasurer] Commissioner Of Administrative Services by the Community Correctional Center Administrator that the property is no longer needed for housing of community correctional center administration personnel.

(b) If such land or any interest therein is transferred by the municipality or by the redevelopment agency of such municipality, one-half of the transfer price shall be remitted to the state.

## Agency Legislative Proposal - 2013 Session

**Document Name:**

2013 DAS Proposal #7 – Statewide HR Committees

**State Agency:**

Department of Administrative Services

**Liaison:** Andrea Keilty; Terrence Tulloch-Reid

**Phone:** (860)713-5267; (860)713-5085

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**Lead Agency Division Requesting this Proposal:**

Statewide Human Resources

**Agency Analyst/Drafter of Proposal:**

Andrea Keilty

**Title of Proposal:**

AA Eliminating Obsolete Committees and Establishing a Statewide ADA Coordinator Advisory Committee

**Statutory Reference:**

C.G.S. § 4-61t and § 4-61aa

**Proposal Summary:**

This proposal eliminates the Committee on Career Entry and Upward Mobility, an obsolete committee that has not met in years. This proposal also re-names the Committee to Encourage Employment by the State of Persons with Disabilities and revises its mission such that it will be a more effective advisory committee to assist the Statewide ADA Coordinator.

## PROPOSAL BACKGROUND

- Reason for Proposal

### Committee on Career Entry and Mobility

C.G.S § 4-61t makes DAS responsible for appointing members to and chairing the Committee on Career Entry and Mobility. The statute specifies that this unwieldy committee – consisting of designees from DAS, OPM, CHRO, PCSW, and OP&A as well as at least 10 other state employees representing different specified interests – should determine how career counseling can be best provided and training opportunities best met and made available with the funds allotted. The Committee was also to develop mechanisms to communicate information about State employment opportunities to State employees and persons with disabilities who wish to become State employees; advise the Commissioner of DAS concerning broader usage of classification titles affecting upward mobility, the entry level employment of persons with disabilities and an effective procedure for reporting compliance to the legislature. The committee is to meet at least quarterly and submit periodic reports to the Commissioner of

## Administrative Services.

This Committee has not met in several years. Notwithstanding the Committee's inaction, the goals of the Committee have been achieved through a variety of measures, including the clarification of the process for promotions by reclassification, the establishment of the Connecticut Careers Trainee and Leadership Associate classes, the creation of various trainee classes, and ongoing re-evaluation of the minimum qualifications needed to qualify for state job classifications. DAS has consistently striven to achieve the goal of greater communication about employment opportunities, first by posting information about examinations and job openings on the DAS website, then by establishing the e-Alert system, which enables applicants to receive emails about new examinations and postings automatically, and, coming soon, a web-based applicant examination list information system that will enable applicants to check whether they are on current examination lists and when those lists expire. Also coming soon, DAS is developing an e-Recruit module through the Core-CT system that will simplify the path toward state employment even further. Many of these efforts have been and continue to be achieved through labor-management committees, regular meetings of human resources professionals throughout the state, and with other input from stakeholders.

The Auditors of Public Accounts have cited DAS for not convening the Committee on Career Entry & Mobility, and have recommended that DAS either seek statutory elimination of this committee or resume it. DAS believes that the sheer size of the committee makes the committee unmanageable, and requiring such a committee to meet at least quarterly (since 1992) to continuously review a fairly narrow scope of topics is not practical nor an efficient use of state time or resources. While such a committee may have added value in the 1980s and 1990s, technology advancements, and the establishment of labor-management committees and regular human resources professional meetings have enabled the goals of this committee to be met in much more practical and efficient ways. This committee is obsolete and should be eliminated.

Committee to Encourage Employment by the State of Persons with Disabilities / Statewide ADA Coordinator Advisory Committee. C.G.S. 4-61aa established a committee to encourage the employment by the State of persons with disabilities. To be chaired by DAS and consisting of representatives from the Board of Education and Services to the Blind, the Commission on the Deaf and Hearing Impaired, the Department of Rehabilitation Services, the Office of Protection and Advocacy for Persons with Disabilities, the Department of Mental Health and Addiction Services, the Department of Developmental Services and the Labor Department, this Committee's mandate was to advise and develop written guidelines "regarding the adaptation of employment examinations and alternative hiring processes for, and the reasonable accommodation of, persons with disabilities." This Committee was also expected to review career mobility programs with specific regard to individuals with disabilities.

Like the Committee on Career Entry and Mobility, the committee created by C.G.S. §4-61aa has not met in several years. The Auditors have also cited DAS for not convening this committee, and have recommended that the agency seek its elimination legislatively, or reconstitute it. Again, the narrow scope of this committee's charge makes a statutorily-required standing committee impractical and, frankly, this committee has not been necessary in many years. DAS has fulfilled – and continues to fulfill – its obligations to provide reasonable accommodations to individuals with disabilities in the examination and hiring process. DAS also provides training to other state agencies on state and federal mandates regarding the employment of individuals with disabilities. It has also worked cooperatively with other agencies to engage in outreach to individuals with disabilities. Since the charge of the 4-61aa committee has been integrated into existing agency operations, DAS believes that this Committee, with its current form and

mission, is unnecessary.

At this time, the Commissioner of DAS has been appointed by the Governor to serve as the Statewide ADA Coordinator. As a result of this experience, DAS believes that an Advisory Committee, comprised of agencies and individuals with experience in the challenges faced by individuals with disabilities and the State's legal obligations under the Americans with Disabilities Act, would provide valuable insight and assistance to the Statewide ADA Coordinator. Therefore, DAS proposes to re-name the Committee to Encourage Employment by the State of Persons with Disabilities, and to modify its charge.

Specifically, DAS proposes that the committee be re-named the "Statewide ADA Coordinator Advisory Committee." This Advisory Committee will consist of representatives from the same agencies as its predecessor, as well as any other individuals designated by the Statewide ADA Coordinator. Its function would be to advise the Statewide ADA Coordinator, as needed, on issues relating to not only the employment by the state of individuals with disabilities, but also, on measures the State can take to fulfill its other obligations under the Americans with Disabilities Act, including its obligations as a provider of public services and a place of accommodation.

- **Origin of Proposal**      ☒ **New Proposal**      ☐ **Resubmission**

## PROPOSAL IMPACT

- **Agencies Affected** (please list for each affected agency)

**Agency Name:** Commission on Human Rights & Opportunities

**Agency Contact (name, title, phone):** Jim O'Neill, Legislative Program Manager

**Date Contacted:** 9/25/12

Approve of Proposal    ☐ YES    ☐ NO    ☐ Talks Ongoing

### Summary of Affected Agency's Comments:

Still awaiting agency feedback.

**Agency Name:** Permanent Commission on the Status of Women

**Agency Contact (name, title, phone):** Teresa Younger, Executive Director

**Date Contacted:** 9/25/12

Approve of Proposal    ☐ YES    ☐ NO    ☐ Talks Ongoing

### Summary of Affected Agency's Comments:

Still awaiting agency feedback.

**Agency Name:** Office of Protection & Advocacy for Persons with Disabilities

**Agency Contact (name, title, phone):** Beth Leslie, Legislative Program Manager

**Date Contacted:** 9/25/12

Approve of Proposal    ☐ YES    ☐ NO    ☐ Talks Ongoing

<b>Summary of Affected Agency's Comments:</b> Still awaiting agency feedback.
<b>Agency Name:</b> Department of Rehabilitation Services <b>Agency Contact (name, title, phone):</b> Andrew Norton, Legislative Program Manager <b>Date Contacted:</b> 9/25/12  Approve of Proposal <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> Talks Ongoing
<b>Summary of Affected Agency's Comments:</b> DORS supports this proposal.
Will there need to be further negotiation? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
<b>Agency Name:</b> Department of Mental Health and Addiction Services <b>Agency Contact (name, title, phone):</b> Doreen DelBianco, Legislative Program Manager <b>Date Contacted:</b> 9/25/12  Approve of Proposal <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> Talks Ongoing
<b>Summary of Affected Agency's Comments:</b> Still awaiting agency feedback.
<b>Agency Name:</b> Department of Developmental Services <b>Agency Contact (name, title, phone):</b> Rod O'Connor, Legislative Program Manager <b>Date Contacted:</b> 9/25/12  Approve of Proposal <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> Talks Ongoing
<b>Summary of Affected Agency's Comments:</b> DDS supports this proposal. The agency has suggested adding language requiring agencies to implement best practices of model employers. DAS may convene a meeting among the stakeholder agencies to solicit additional ideas regarding the scope of the new committee.
Will there need to be further negotiation? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
<b>Agency Name:</b> Department of Labor <b>Agency Contact (name, title, phone):</b> Marisa Morello, Legislative Program Manager <b>Date Contacted:</b> 9/25/12  Approve of Proposal <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> Talks Ongoing
<b>Summary of Affected Agency's Comments:</b> DOL has recently identified another committee – under its charge – that may have responsibilities that overlap with the 4-61t and 4-61aa committees. DAS may convene a meeting among the stakeholder agencies to clarify the overlap and solicit additional ideas regarding the scope of the new committee created under this proposal.
Will there need to be further negotiation? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO



- **Fiscal Impact** (please include the proposal section that causes the fiscal impact and the anticipated impact)

**Municipal:** (please include any municipal mandate that can be found within legislation)

N/A

**State:**

None. The proposed Statewide ADA Coordinator Advisory Committee can be staffed within existing resources.

**Federal:**

N/A

**Additional notes on fiscal impact:**

- **Policy and Programmatic Impacts** (Please specify the proposal section associated with the impact)

See above.

## AA Eliminating Obsolete Committees and Establishing a Statewide ADA Coordinator Advisory Committee

Section 1. Section 4-61t of the general statutes is repealed (*Effective July 1, 2013*).

[ **Sec. 4-61t. Committee on Career Entry and Mobility. Members. Duties.** There shall be established a Committee on Career Entry and Mobility, appointed by the Commissioner of Administrative Services and chaired by the Commissioner of Administrative Services or his designee, which shall include a representative of the Office of Policy and Management, a representative of the Department of Administrative Services who is involved in classification activity, a representative of the Commission on Human Rights and Opportunities, a representative of the Permanent Commission on the Status of Women, a representative of the Office of Protection and Advocacy for Persons with Disabilities and ten additional persons, two of whom shall be state agency personnel administrators, four of whom shall be labor representatives and four of whom shall be employed in state service and familiar with the problems of career mobility, affirmative action, the implementation of corrective programs, and the accommodation and entry level needs of persons with disabilities. The committee shall determine how career counseling can be best provided and training opportunities best met and made available within the funds allotted. The committee shall also develop mechanisms to communicate information about state employment opportunities to state employees and persons with disabilities who wish to become state employees. The committee shall advise the Commissioner of Administrative Services concerning broader usage of classification titles affecting upward mobility, the entry level employment of persons with disabilities and an effective procedure for reporting compliance to the legislature. The committee shall prepare written guidelines for implementation of the career mobility program described in subsection (a) of section 4-

61u, section 4-61w and this section and the entry level employment program for persons with disabilities described in subsection (b) of section 4-61u and this section. The committee shall meet at least once each quarter and shall submit periodic reports to the Commissioner of Administrative Services.]

Section 2. Section 4-61aa of the general statutes is repealed and the following is substituted in lieu thereof : (*Effective July 1, 2013*):

(a) There is established a committee to [encourage the employment by the state of persons with disabilities] advise the Statewide ADA Coordinator. The [Commissioner of Administrative Services] Statewide ADA Coordinator shall appoint the members of the committee, which shall be chaired by [such commissioner] the Statewide ADA Coordinator, or his designee, and include at least one representative of each of the following:

- (1) The Board of Education and Services to the Blind;
- (2) The Commission on the Deaf and Hearing Impaired;
- (3) The Department of Rehabilitation Services;
- (4) The Office of Protection and Advocacy for Persons with Disabilities;
- (5) The Department of Mental Health and Addiction Services;
- (6) The Department of Developmental Services; [and]
- (7) The Labor Department[.]; and
- (8) The Department of Construction Services.

(b) The committee shall[: (1) Advise, and develop written guidelines for, the Commissioner of Administrative Services and the executive heads of other state agencies regarding the adaptation of employment examinations and alternative hiring processes for, and the reasonable accommodation of, persons with disabilities; and

(2) Review the program established under subsection (b) of section 4-61u and compliance with the provisions of section 46a-70 concerning persons with physical disabilities.] advise the Statewide ADA Coordinator, upon request, regarding the employment by the state of individuals with disabilities and on measures the State can take to fulfill its other obligations under the Americans with Disabilities Act, including, but not limited to, the State's obligations as a provider of public services and a place of accommodation.

## Agency Legislative Proposal - 2013 Session

**Document Name:**

DAS 2013 Proposal #8 – Fleet

**State Agency:**

Department of Administrative Services

**Liaison:** Andrea Keilty; Terrence Tulloch-Reid

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**Lead Agency Division Requesting this Proposal:**

Fleet Services

**Agency Analyst/Drafter of Proposal:**

Andrea Keilty

**Title of Proposal:**

AAC State Fleet Vehicles

**Statutory Reference:**

C.G.S. §4a-67d

**Proposal Summary:**

This proposal addresses an Audit concern by modifying unachievable statutory language relating to the state fleet. Specifically, it:

- (1) Eliminates the requirement that the average estimated highway gas mileage rating for cars and light duty trucks purchased be at least 40 miles per gallon. Because of the business needs of client agencies, federal law, and cost factors, this is an unattainable standard;
- (2) Moves out by four years, from January 1, 2012 to January 1, 2016, the requirement that one hundred per cent of state cars and light duty trucks purchased be alternative-fueled, hybrid electric or plug-in electric vehicles. Again, because of business needs of agency clients, costs and the availability of these vehicles, this standard is not achievable; and
- (3) Expands the exemption to the standards above to include all law enforcement and emergency vehicles instead of simply essential DESPP vehicles. Not only is this change practical and fair, since other agencies besides DESPP have law enforcement responsibilities that require specialized law enforcement vehicles (i.e. UCONN, DOC, DMV, DEP), but the change will make the statute consistent with federal law.

## PROPOSAL BACKGROUND

- Reason for Proposal

### Eliminate the 40 MPG requirement

Currently, there are only a limited number of commercially available vehicles with a 40 MPG or higher highway rating. Although the state may be able to purchase some of these vehicles, such as the 2012 Ford Focus, many of the other vehicles are either too expensive or too small to meet the state's vehicle needs. Some agencies need cars with more power (i.e. law enforcement and emergency vehicles), or larger size (i.e. for carrying specialized equipment, prisoner transport, client transport, etc.).

DAS offers the following as examples of vehicles recently purchased, or soon to be purchased, for which a vehicle identified as achieving 40mpg highway would not be a suitable replacement:

- Ford Explorers (4) DEEP & DMV – Police Package Law Enforcement
- Ford Taurus (26) Various Agencies – Police Package Law Enforcement
- Ford Tansit Van (50) Various Agencies – Cargo Transport
- GMC Savanna (16) Various Agencies – Eight passenger client transport
- GMC Savanna (24) Various Agencies – Twelve passenger client transport
- Ford Trucks (31) Various Agencies – Prisoner transport and snow removal  
F-250, 350 & 450 models

Moreover, the state is also subject to the federal Energy Policy Act, or “EPAAct,” which makes compliance with the state statute impossible. EPAAct requires that 75% of the state's purchases of light duty fleet vehicles be Alternatively Fueled Vehicles (“AFVs”). Notably, hybrid vehicles do not qualify as AFVs under federal law. To DAS's knowledge, there are only a few federal DOE-approved AFVs averaging 40 MPG on the market (i.e. the Nissan Leaf and electric Focus – both 100% electric vehicles; and the Chevy Volt, an electric vehicle with a gas assist), and these vehicles tend to be small, and very expensive for their class.

### Changing the deadline in § 4a-67d(b)(2) from 2012 to 2016

C.G.S. § 4a-67d states that, by January 1, 2012, one hundred per cent of state cars and light duty trucks purchased be alternative-fueled, hybrid electric or plug-in electric vehicles.

There simply were not enough alternative fuel vehicles, hybrids, or plug-in electric vehicles available to meet all the state's business needs to comply with this statute by January 1, 2012, nor are such vehicles on the market today to be able to meet this 100% goal in the near future. Currently, approximately 53% of the state fleet meets the requirements of this section. DAS will continue to buy more compact AFVs whenever it is practical and meets the business needs of the agencies, however, DAS is not currently in compliance with the statutory requirement that 100% of all the state's car and light duty truck purchases be alternative-fueled, hybrid electric or plug-in electric by January 1, 2012, because that goal is unachievable.

As stated above, even if agency business needs allowed the state to purchase all hybrid vehicles moving forward, federal EPAAct would prohibit this since hybrids do not qualify as AFVs under federal law. Not only do the few vehicles recognized by the federal Department of Energy as AFVs (electric vehicles, PHEV (plug-in hybrid electric vehicles) and BEV (battery electric vehicles)) fail to meet the business needs of all state agencies, there are also cost and other

concerns with these vehicles: Currently, there is no infrastructure in place to support BEV and PHEV fueling and maintenance, and the long-term maintenance needs of such vehicles remains relatively unknown.

### Expanding Law Enforcement Exemption

Not all law enforcement vehicles belong to the Department of Emergency Services and Public Protection. For example DMV, DEEP, DOC and UCONN all have law enforcement responsibilities and have a need for specialized vehicles (with cages and gun boxes). Expanding the exemption to include all law enforcement and emergency response vehicles instead of only DESPP law enforcement vehicles would also make this statute more consistent with EAct, which exempts both law enforcement and emergency vehicles, regardless of the agency using the vehicle.

- **Origin of Proposal**      ☐ New Proposal      ☒ Resubmission

DAS proposed these statutory changes last year. The language was raised by the GAE Committee (HB 5396), received a Public Hearing, and was voted out favorably by GAE (15-0). It received a File Copy ([File 294](#)), but was never taken up by the House.

DAS would like to ask the legislature to re-consider this language again this year, since it is an Audit issue for the agency.

## PROPOSAL IMPACT

- **Agencies Affected** (please list for each affected agency)

**Agency Name:**

**Agency Contact (name, title, phone):**

**Date Contacted:**

Approve of Proposal    ☐ YES    ☐ NO    ☐ Talks Ongoing

**Summary of Affected Agency's Comments:**

- **Fiscal Impact** (please include the proposal section that causes the fiscal impact and the anticipated impact)

**Municipal:** (please include any municipal mandate that can be found within legislation)

**State:**

Significant cost avoidance.

**Federal:**

**Additional notes on fiscal impact:**

Even if hybrid and AFV vehicles supported all agency needs, the state would incur costs (and would not be in compliance with federal law) if it had to comply with all mandates in § 4a-67d. On average, hybrids and AFV vehicles cost between \$18,000 - \$24,000 more per vehicle than traditional vehicles of similar size and class.

Some examples, based on the state's contracts:

- 2013 Ford Focus sedan – **\$13,997** (27 mpg city/38 mpg hwy)
- 2013 Ford Focus sedan dedicated electric - **\$35,628** (110 mpg city/99 mpg hwy)
- 2012 Nissan Leaf sedan dedicated electric - **\$32,608** (106 mpg city/92 mpg hwy)
- 2013 Chevy Volt electric w/gas assist - **\$38,000** (93 mpg electric/37 mpg in “charge sustaining” mode).

Compliance with EPA Act and state benchmarks for hybrids and alternative fuel vehicles will also increase costs in vehicle maintenance, and will require future investments in battery charging stations and other fueling infrastructure.

• **Policy and Programmatic Impacts** (Please specify the proposal section associated with the impact)

Please note that even if the three proposed statutory changes pass, the state is still required to:

- (1) Comply with the requirements set forth in 10 CFR 490 concerning the percentage of alternative-fueled vehicles required in the state motor vehicle fleet;
- (2) Purchase vehicles to obtain the best achievable mileage per pound of carbon dioxide emitted in their class;
- (3) Maintain at least fifty per cent of all cars and light duty trucks purchased or leased by the state as alternative-fueled, hybrid electric or plug-in electric vehicles; and
- (4) Ensure that all alternative-fueled vehicles purchased or leased by the state are certified to the California Air Resources Board's Low Emission Vehicle II Ultra Low Emission Vehicle Standard, and all gasoline-powered light duty and hybrid vehicles purchased or leased by the state are, at a minimum, certified to the California Air Resource Board's Low Emission Vehicle II Ultra Low Emission Vehicle Standard.

## **An Act Concerning the State Fleet**

Sec. 1. Section 4a-67d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2013*):

(a) The fleet average for cars or light duty trucks purchased by the state shall: (1) [On and after October 1, 2001, have a United States Environmental Protection Agency estimated highway gasoline mileage rating of at least thirty-five miles per gallon and on and after January 1, 2003, have a United States Environmental Protection Agency estimated highway gasoline mileage rating of at least forty miles per gallon, (2)] comply with the requirements set forth in 10 CFR 490 concerning the percentage of alternative-fueled vehicles required in the state motor vehicle fleet, and [(3)] **(2)** obtain the best achievable mileage per pound of carbon dioxide emitted in its class. The alternative-fueled vehicles purchased by the state to comply with said requirements shall be capable of operating on natural gas or electricity or any other system acceptable to the United States Department of Energy that operates on fuel that is available in the state.

(b) Notwithstanding any other provisions of this section, (1) on and after January 1, 2008: (A) At least fifty per cent of all cars and light duty trucks purchased or leased by the state shall be alternative-fueled, hybrid electric or plug-in electric vehicles, (B) all alternative-fueled vehicles purchased or leased by the state shall be certified to the California Air Resources Board's Low Emission Vehicle II Ultra Low Emission Vehicle Standard, (C) all gasoline-powered light duty and hybrid vehicles purchased or leased by the state shall, at a minimum, be certified to the California Air Resource Board's Low Emission Vehicle II Ultra Low Emission Vehicle Standard, and (2) on and after January 1, [2012] **2016**, one hundred per cent of such cars and light duty trucks shall be alternative-fueled, hybrid electric or plug-in electric vehicles. If the Commissioner of Administrative Services determines that the vehicles required by the provisions of this subsection are not available for purchase or lease, the Commissioner of Administrative Services shall include an explanation of such determination in the annual report described in subsection (f) of this section.

(c) The provisions of subsections (a) and (b) of this section shall not apply to any [vehicle of the Department of Public Safety that the Commissioner of Public Safety designates as necessary for the Department of Public Safety to carry out its mission,] law enforcement or emergency response vehicles, provided the Commissioner of Administrative Services approves of such designation and, in consultation with the Commissioner of Public Safety, provides an explanation of why the provisions of subsections (a) and (b) of this section should not apply to such vehicles.

(d) As used in this section, the terms "car" and "light duty truck" shall be as defined in the United States Department of Energy Publication DOE/CE-0019/8, or any successor publication.

(e) Not later than October 1, 2007, the Commissioner of Administrative Services shall file a report with the joint standing committees of the General Assembly having cognizance of matters relating to government administration, the environment and energy that includes: (1) Details on the composition of the state fleet, including, but not limited to, a listing of all vehicles owned, leased or used by the Departments of Transportation and Public Safety, the make, model and fuel type of vehicles that compose the state fleet and the amount of fuel, including alternative fuels, that each vehicle uses, and (2) a copy of the determination made by the Commissioner of Environmental Protection pursuant to subsection (a) of section 2 of public act 07-4 of the June special session\*. The Departments of Transportation and Public Safety shall submit all data requested of such departments by the Department of Administrative Services in connection with the preparation of such report.

(f) On or before January 1, 2008, and annually thereafter, the Commissioner of Administrative Services shall file a report with the joint standing committees of the General Assembly having cognizance of matters relating to government administration, the environment and energy that includes: (1) Details on the composition of the state fleet, including, but not limited to, a listing of all vehicles owned, leased or used by the

Departments of Transportation and Public Safety, the make, model and fuel type of vehicles that compose the state fleet and the amount of fuel, including alternative fuels, that each vehicle uses, (2) any changes to the determination made by the Commissioner of Environmental Protection pursuant to subsection (a) of section 35 of public act 07-4 of the June special session\* or any update concerning the waiver application submitted pursuant to subsection (a) of section 35 of public act 07-4 of the June special session\*, as applicable, (3) a listing of any vehicle exempted pursuant to subsection (c) of this section along with the Commissioner of Administrative Services' explanation for such exemption, (4) any changes or amendments to the plan required by subsection (b) of section 35 of public act 07-4 of the June special session\*, and (5) any changes or amendments to the plan required by subsection (c) of section 35 of public act 07-4 of the June special session\*. The Departments of Transportation and Public Safety shall submit all data requested of such departments by the Department of Administrative Services in connection with the preparation of such report.

(g) The Commissioner of Administrative Services may enter into any agreement necessary to carry out the provisions of subsections (e) and (f) of this section.

(h) For purposes of this section, "hybrid" means a passenger car that draws acceleration energy from two on board sources of stored energy that consists of either an internal combustion or heat engine which uses combustible fuel and a rechargeable energy storage system, and, for any passenger car or light duty truck with a model year of 2004 or newer, that is certified to meet or exceed the California LEV (Low Emission Vehicle) II LEV Standard.

(i) In performing the requirements of this section, the Commissioners of Administrative Services and Environmental Protection shall, whenever possible, consider the use of an impact on Connecticut-based companies.



## Agency Legislative Proposal - 2013 Session

**Document Name:**

DAS 2013 Proposal #9 – Executive Sessions

**State Agency:**

Department of Administrative Services

**Liaison:** Andrea Keilty; Terrence Tulloch-Reid

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**Lead Agency Division Requesting this Proposal:**

Leasing & Facilities; State Properties Review Board

**Agency Analyst/Drafter of Proposal:**

Andrea Keilty

**Title of Proposal:**

AA Clarifying the Reasons a Public Agency Can Meet in Executive Session

**Statutory Reference:**

C.G.S. § 1-200(6)

**Proposal Summary:**

This proposal clarifies that the State, not just political subdivisions of the State, can meet in executive session to discuss real estate transactions when publicity regarding such site, lease, sale, purchase or construction would cause a likelihood of increased price until such time as all of the property has been acquired or all proceedings or transactions concerning same have been terminated or abandoned. It also clarifies that likely harm to the public agency's financial interests – not simply increased price – should be the determining factor.

### PROPOSAL BACKGROUND

- **Reason for Proposal**

The definition of “executive session” in C.G.S. § 1-200(6) identifies five permissible reasons for a public agency to meet in executive session, including the “discussion of the selection of a site or the lease, sale or purchase of real estate by a political subdivision of the state when publicity regarding such site, lease, sale, purchase or construction would cause a likelihood of increased price until such time as all of the property has been acquired or all proceedings or transactions concerning same have been terminated or abandoned.” Although “public agency” is broadly defined to encompass “any executive, administrative or legislative office of the state or any political subdivision of the state...” under the current language of subsection (6), only political subdivisions may go into executive session to discuss confidential real estate matters. Although the State has a similar need to discuss its real estate needs in confidence, the State was never included in this statute: Legislative history indicates that the addition of real estate discussions to permissible reasons for executive session has been in place since 1977, and has been limited to towns since that time.

The justification for this provision, however, applies equally to the State as to towns: concern

that the public discussion of such real estate matters will impair the entity's negotiating position. As stewards of the public fisc, it is equally important for State agencies to be able to engage in candid discussions and thorough analyses of potential real estate transactions without the fear that the information shared in such meetings will be used by parties on the other side of the negotiating table to the detriment of the State's interests.

Eliminating the phrase "would cause a likelihood of increased price" to "would adversely impact the price for the public agency" simply reflects that the purchase of property is not the only real estate transaction engaged in by public agencies. The existing language states that executive session is appropriate for the "discussion of the selection of a site or the lease, sale or purchase of real estate." If the public agency is meeting to discuss the sale of real estate, the "increased price" metric is inappropriate. It is more accurate and straightforward for the statute to require an "adverse impact" on the price for the public agency, rather than codifying just one example of potential harm.

- **Origin of Proposal**        X   **New Proposal**             **Resubmission**

## PROPOSAL IMPACT

- **Agencies Affected** (please list for each affected agency)

**Agency Name:** Freedom of Information Commission

**Agency Contact (name, title, phone):** Colleen Murphy, Executive Director & General Counsel

**Date Contacted:** 9/18/12

Approve of Proposal      X   YES           NO           Talks Ongoing

### Summary of Affected Agency's Comments:

FOIC has reviewed the proposed changes and is amenable to them. Indeed, Executive Director Murphy provided input into the language and DAS agreed with her recommendations.

Will there need to be further negotiation?           YES      X   NO

- **Fiscal Impact** (please include the proposal section that causes the fiscal impact and the anticipated impact)

**Municipal:** (please include any municipal mandate that can be found within legislation)

No cost; no direct savings. There may be indirect savings associated with protecting the municipalities' discussions about its real estate transactions from premature disclosure that could result in impaired negotiating positions but do not directly affect the price of the property.

### State:

No cost; potential savings. There may be savings associated with protecting the State's discussions about its real estate transactions from premature disclosure that could result in higher prices or impaired negotiating positions.

### Federal:

N/A

**Additional notes on fiscal impact:**

- **Policy and Programmatic Impacts** (Please specify the proposal section associated with the impact)

See above.

## **AA Clarifying the Reasons a Public Agency Can Meet in Executive Session**

Section 1. Section 1-200(6) of the general statutes is repealed and the following is substituted in lieu thereof: (*Effective upon passage*).

(6) "Executive sessions" means a meeting of a public agency at which the public is excluded for one or more of the following purposes: (A) Discussion concerning the appointment, employment, performance, evaluation, health or dismissal of a public officer or employee, provided that such individual may require that discussion be held at an open meeting; (B) strategy and negotiations with respect to pending claims or pending litigation to which the public agency or a member thereof, because of the member's conduct as a member of such agency, is a party until such litigation or claim has been finally adjudicated or otherwise settled; (C) matters concerning security strategy or the deployment of security personnel, or devices affecting public security; (D) discussion of the selection of a site or the lease, sale or purchase of real estate by the state or a political subdivision of the state when publicity regarding such site, lease, sale, purchase or construction would [cause a likelihood of increased] adversely impact the price for the public agency until such time as all of the property has been acquired or all proceedings or transactions concerning same have been terminated or abandoned; and (E) discussion of any matter which would result in the disclosure of public records or the information contained therein described in subsection (b) of section 1-210.

## Agency Legislative Proposal - 2013 Session

**Document Name:**

DAS 2013 Proposal #10 – Duplicative SFI Filings

**State Agency:**

Department of Administrative Services

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**Lead Agency Division Requesting this Proposal:**

Leasing & Facilities; State Properties Review Board

**Agency Analyst/Drafter of Proposal:**

Andrea Keilty

**Title of Proposal:**

AAC Duplicative Filings of Statements of Financial Interest

**Statutory Reference:**

C.G.S. §4b-4

**Proposal Summary:**

This bill eliminates the requirement that non-clerical employees in the DAS Leasing & Property Transfer Unit and members of the State Properties Review Board file duplicate statements of financial interest (SFIs) with DAS or the State Properties Review Board, respectively, as well as the Office of State Ethics.

This proposal does not eliminate the requirement that such individuals file statements of financial interest with the Office of State Ethics pursuant to C.G.S. §1-83.

## PROPOSAL BACKGROUND

- Reason for Proposal

In 1987 (P.A. 87-570), the legislature instituted a number of reforms to the State's policies and practices relating to real estate transactions, including among other things, imposing a requirement that non-clerical employees in the Leasing and Property Transfer Unit submit statements of financial interest to the then State Ethics Commission and DAS. Similarly, members of the State Properties Review Board were also required to submit statements of financial interest to the State Ethics Commission and SPRB. Notably, these "statements of financial interest" were not the same as the statements of financial interest required under C.G.S. §1-83 ("SFIs").

The requirement to file "statements of financial interest pursuant to the provisions of section 1-83" was not enacted until 2009. (P.A. 09-7 §140, Sept. Sess.) The P.A. 09-07 bill analysis states that the statements previously filed were "less detailed" than the SFIs mandated under

C.G.S. §1-83.

The original purpose of the 1987 legislation was to prevent conflicts of interest from infecting the State's real estate decisions. That purpose is adequately addressed by maintaining the requirement to file the SFIs with the Office of State Ethics. To the extent that either DAS or the Board has any need to see the information contained within the SFIs, they can do so easily by contacting the Office of State Ethics.

With the advent of electronic filing of SFIs and the subsequent ease of accessing such information, the need for DAS and SPRB to maintain duplicate copies of the same form has become obsolete.

- **Origin of Proposal**      ☒ **New Proposal**      ☐ **Resubmission**

## PROPOSAL IMPACT

- **Agencies Affected** (please list for each affected agency)

**Agency Name:** Office of State Ethics

**Agency Contact (name, title, phone):** Carol Carson, Executive Director & Peter Lewandowski, Asst. General Counsel

**Date Contacted:** 9/18/12

Approve of Proposal    ☒ YES    ☐ NO    ☐ Talks Ongoing

### Summary of Affected Agency's Comments:

OSE stated that it has no objections to these proposed changes. OSE stated that, in fact, the Office of the Secretary of the State proposed a similar change involving the PURA directors (C.G.S. §16-2(d)), and OSE is including the Secretary's proposal in OSE's legislative packet for 2013.

Will there need to be further negotiation?    ☐ YES    ☒ NO

- **Fiscal Impact** (please include the proposal section that causes the fiscal impact and the anticipated impact)

**Municipal:** (please include any municipal mandate that can be found within legislation)

N/A

**State:**

N/A – This is a purely administrative change.

**Federal:**

N/A

**Additional notes on fiscal impact:**

- **Policy and Programmatic Impacts** (Please specify the proposal section associated with the impact)

See above.

## **AAC Duplicative Filings of Statements of Financial Interest**

Section 1. Section 4b-4 of the general statutes is repealed and the following is substituted in lieu thereof: (*Effective upon passage*).

(a) No nonclerical employee in the unit in the Department of Administrative Services that is responsible for acquiring, leasing and selling real property on behalf of the state shall be directly involved in any enterprise that does business with the state or be directly or indirectly involved in any enterprise concerned with real estate acquisition or development. Each member of the State Properties Review Board [shall file, with the State Properties Review Board and with the Office of State Ethics,] and each such employee of the Department of Administrative Services shall file[, with the Department of Administrative Services and] with the Office of State Ethics[,] a statement of financial interests pursuant to the provisions of section 1-83.

(b) The provisions of sections 1-82, 1-82a and 1-88 shall apply to any alleged violation of this section.